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AN

# ESSAY

ON THE RIGHT OF

# PROPERTY IN LAND,

With reſpect to its Foundation

IN THE

## LAW OF NATURE;

Its preſent Eſtabliſhment

BY THE

## MUNICIPAL LAWS OF EUROPE;

AND

The Regulations by which it might be rendered more beneficial to the lower Ranks of Mankind.

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THE

# INTRODUCTION.

THE municipal laws of every country, are not only obſerved as a rule of conduct, but by the bulk of the people they are regarded as the ſtandard of right and of wrong, in all matters to which their regulations are extended.

In this prejudice, however natural to the crowd, and however ſalutary it may be deemed, men of enlarged and inquiſitive minds, are bound by no ties to acquieſce without enquiry.

Property is one of the principal objects of municipal law, and that to which

its regulations are applied with greateſt efficacy and preciſion. With reſpect to property in moveables, great uniformity takes place in the laws of almoſt all nations; they differ only as being more or leſs extended to details, comprehending the diverſity of commercial tranſactions; and this branch of juriſprudence may be ſaid to have almoſt attained to its ultimate maturity and perfection.

But with reſpect to property in land, different principles have been adopted by different nations in different ages; and there is no reaſon why that ſyſtem, which now prevails in Europe, and which is derived from an age, not deſerving to be extolled for legiſlative wiſdom, or regard to the equal rights of men, ſhould be ſuppoſed to excel any ſyſtem that has taken place elſewhere, or to be in itſelf already advanced beyond the capacity of improvement, or the need of reformation.

It

It is to a free and ſpeculative diſquiſition, concerning the foundation of this right of property in land, and concerning thoſe modifications, by which it may be rendered in the higheſt degree beneficial to all ranks of men, that the author of theſe pages wiſhes to call the attention of the learned, the ingenious, and the friends of mankind.

It can give him no ſurprize, if the opinions he has advanced on a topick of diſcuſſion, ſo new, and ſo intereſting to all, ſhall meet with the approbation of a few only. Were they now for the firſt time to be preſented abruptly to his own mind, he believes that they would ſtartle his firſt thoughts, and perhaps might be rejected on a tranſient view. But the leading principles of that ſyſtem, which he now holds, reſpecting property in land, have been coeval in his mind with the free exerciſe of his thoughts in

ſpeculative enquiries; they have recurred often, they have been gradually unfolded, and for ſome years paſt, he has been accuſtomed to review them frequently, almoſt in their preſent form, with ſtill increaſing approbation.

All that he would requeſt in their favour (and the candid will readily grant this) is, that they may not be rejected on a firſt diſguſt, and that thoſe who cannot adopt the opinions here advanced, may at leaſt beſtow ſome pains inaſcertaining their own. Theſe are the opinions of one individual, thinking freely, and for himſelf; they are erroneous perhaps and viſionary; their ſingularity may well authorize a ſuſpicion that they are ſo, and this ſuſpicion ought to have kept them back from the public eye, but for the hope of exciting others to enter into the ſame train of enquiry, and no longer in a matter of the firſt importance to the intereſts

intereſts of ſociety, implicitly to acquieſce in traditionary doctrines, never yet ſubmitted to examination.

Free enquiry, however it may give birth to vain theories, and chimerical projects, has never in any department been productive of eſſential detriment to the true intereſts of mankind. What undeſirable conſequences have always ariſen from the ſtagnation of enquiry, and from ſilent acquieſcence, even in eſtabliſhments that are beneficial, and in opinions that are true, the hiſtory of mankind bears witneſs in every age.

It is natural to the mind, when new ideas ariſe on important ſubjects, to open itſelf with fondneſs, to the pleaſing impreſſion which they make. Yielding to this ſeducing enthuſiaſm, the author has been led to ſpeak with freedom of great changes, ſuddenly to be accompliſhed,

as

as practicable in ſome caſes, and to be deſired in many. Yet is he well aware that great changes ſuddenly accompliſhed, are always pregnant with danger, and with evil, and ought on almoſt no occaſion whatever to be deſired, or brought forward by the friends of mankind. Partial reformation, gradual progreſſive innovation, may produce every advantage which the moſt important and ſudden changes can promiſe, yet without incurring thoſe dreadful hazards, and thoſe inevitable evils, with which great and ſudden changes are ſtill attended.

With the greateſt ſatisfaction of mind he avows his perſuaſion, that were great and important innovations reſpecting property in land as practicable and ſafe, as they are difficult and full of danger, there is no country under the ſun which ſtands leſs in need of ſuch reformation than England.—Altho' indeed the principles of juriſprudence,

juriſprudence, reſpecting property in land, which the laws of England recognize, are derived from the ſame ſource, and partake of the ſame abſurd and pernicious nature with thoſe maxims which prevail almoſt every where on the continent of Europe, yet ſuch has been the generoſity of Engliſh land-holders, ſuch their equitable conduct towards their tenants and dependants, and ſuch the manly ſpirit of the lower claſſes, foſtered by a ſenſe of political rights, that in England the comfortable independence of the farmer and actual cultivator of the ſoil, is eſtabliſhed on as ſecure a footing as the moſt refined ſyſtem of property in land deduced from the genuine principles of public good, and natural right can propoſe to render effectual and permanent.—It is to be regretted only that this comfortable independence which the farmers enjoy cannot be extended to a ſtill greater proportion of the community.

community. Engliſh land-holders and Engliſh farmers are ſuperior in all reſpects to the ſame claſs of men in other countries: in their manly vigour, their plain good ſenſe, their humane virtues, conſiſts the true baſis of our national pre-eminence. Their blood circulates in every rank of ſociety, their domeſtic manners have given the tone to the Engliſh character as diſplayed in all the various departments of buſineſs and enterprize; nor can any wiſh be formed more favourable to the proſperity of the public, than that the numbers of this claſs of men may be increaſed. To increaſe the number of land-holders by advancing farmers to that more independent ſituation, can never be made the object of legiſlative care in this country, as it might in the abſolute monarchies of the continent; but to increaſe the number of farmers, by favouring the advancement of day labourers and manufactures,

nufacturers, to the more animating and manly occupation of cultivating a ſmall farm for their own account, is an object very ſimilar to many branches of enlightened policy which the Britiſh legiſlature (more than any other) has purſued with attention and ſucceſs.

To the worthy and humane Engliſh land-holders, and more particularly to thoſe who of late years have voluntarily granted to their tenants an abatement of rent, this ſhort Eſſay is inſcribed by the Author, as to men whom he regards with high eſteem, and from whom he may hope that his ſpeculations, ſhould they ever come to their knowledge, would meet with no unfavourable reception.—Why ſhould he not flatter himſelf with this hope, however ſeemingly vain, ſince uninformed by theoretical reaſonings, and prompted only by the innate candour and humanity of their own minds, theſe reſpectable

reſpectable landholders, truly worthy of their ſtation and of their truſt, have habitually acted in conformity to thoſe principles of public good and natural right, which he is deſirous to elucidate and eſtabliſh.

ESSAY

# ESSAY

ON THE

# Right of Property in LAND.

## PART I.

### SECTION I.

*Of the Right of Property in Land as derived from the Law of Nature.*

1. ALL Right of property is founded either in occupancy or labour. The earth having been given to mankind in common occupancy, each individual ſeems to have by nature a right to poſſeſs and cultivate an equal ſhare.—This right is little different from that which

which he has to the free uſe of the open air and running water; though not ſo indiſpenſibly requiſite at ſhort intervals for his actual exiſtence, it is not leſs eſſential to the welfare and right ſtate of his life through all its progreſſive ſtages.

2. No individual can derive from this general right of occupancy a title to any more than an equal ſhare of the ſoil of his country.—His actual poſſeſſion of more cannot of right preclude the claim of any other perſon who is not already poſſeſſed of ſuch equal ſhare.

3. This title to an equal ſhare of property in land ſeems original, inherent, and indefeaſible by any act or determination of others, though capable of being alienated by our own. It is a birthright which every citizen ſtill retains.---Tho' by entering into ſociety and partaking of its advantages, he muſt be ſuppoſed

poſed to have ſubmitted this natural right to ſuch regulations as may be eſtabliſhed for the general good, yet he can never be underſtood to have tacitly renounced it altogether; nor ought any thing leſs to eſtabliſh ſuch alienation than an expreſs compact in mature age, after having been in actual poſſeſſion, or having had a free opportunity of entering into the poſſeſſion of his equal ſhare.

4. Every ſtate or community ought in juſtice to reſerve for all its citizens, the opportunities of entering upon, or returning to, and reſuming this their birthright and natural employment, whenever they are inclined to do ſo.

Whatever inconveniences may be thought to accompany this reſervation, they ought not to ſtand in the way of eſſential juſtice.

Although at firſt ſight ſuch reſervation may appear incompatible with the eſtabliſhed order of ſocieties, and the permanent

manent cultivation of the earth, yet ought it on the other hand to be preſumed, that what is ſo plainly founded on the natural rights of men, may by wiſe regulations be rendered at leaſt conſiſtent with the beſt order and proſperity of ſocieties, and with the progreſs of agriculture; perhaps, very beneficial to the one, and the higheſt encouragement to the other.

5. In many rude communities, this original right has been reſpected, and their public inſtitutions accommodated to it, by annual, or at leaſt frequent partitions of the ſoil, as among the antient Germans, and among the native Iriſh even in Spenſer's time.

Wherever conqueſts have taken place, this right has been commonly ſubverted, and effaced.

In the progreſs of commercial arts and refinements, it is ſuffered to fall into obſcurity and neglect.

6. What-

6. Whatever has been advanced by Mr. Locke and his followers, concerning the right of property in land, as independent of the laws, of a higher original than they, and of a nature almoſt ſimilar to that divine right of kings, which their antagoniſts had maintained, can only be referred to this original right of equal property in land, founded on that general right of occupancy, which the whole community has, to the territory of the ſtate.—This equal right, is indeed antecedent to municipal laws, and not to be aboliſhed by them. But it were a miſtake to aſcribe any ſuch ſacred and indefeaſible nature, to that ſort of property in land, which is eſtabliſhed by the regulations of municipal law, which has its foundation in the right of labour, and may be acquired by individuals, in very unequal degrees of extent, and to the accumulation of which, very few

ſtates

ſtates have thought fit to ſet any limits.

7. That right which the landholder has to an eſtate, conſiſting of a thouſand times his own original equal ſhare of the ſoil, cannot be founded in the general right of occupancy, but in the labour which he and thoſe, to whom he has ſucceeded, or from whom he has purchaſed, have beſtowed on the improvement and fertilization of the ſoil.— To this extent, it is natural and juſt: but ſuch a right founded in labour, cannot ſupercede that natural right of occupancy, which nine hundred and ninety nine other perſons have to their equal ſhares of the ſoil, in its original ſtate. Although it may bar the claim of individuals, it cannot preclude that of the legiſlature, as truſtee and guardian of the whole.

8. In every country where agriculture has made conſiderable progreſs, theſe

theſe two rights are blended together, and that which has its origin in labour, is ſuffered to eclipſe the other, founded in occupancy. As the whole extent of ſoil is affected by both rights at once, and not different parts by each; as theſe rights ſubſiſt together in the ſame ſubject, the limits by which their influence and extent may be diſcriminated from each other, do not readily preſent themſelves to the mind; and could theſe limits be diſtinctly aſcertained, it may ſeem ſtill more difficult to ſuggeſt any practicable method, by which the ſubjects of each could be actually ſeparated and detached.

9. That every man has a right to an equal ſhare of the ſoil, in its original ſtate, may be admitted to be a maxim of natural law. It is alſo a maxim of natural law, that every one, by whoſe labour any portion of the ſoil has been ren-

dered more fertile, has a right to the additional produce of that fertility, or to the value of it, and may tranſmit this right to other men. On the firſt of theſe maxims, depends the freedom and proſperity of the lower ranks. On the ſecond, the perfection of the art of agriculture, and the improvement of the common ſtock, and wealth of the community. Did the laws of any country pay equal regard to both theſe maxims, ſo as they might be made to produce their reſpective good effects, without intrenching on one another, the higheſt degree of public proſperity would reſult from this combination.

10. Plans for the eſtabliſhment of this combination, are not, it muſt be owned very obvious, nor have they on the other hand been very induſtriouſly ſought for. Scarcely has any nation actually carried or attempted to carry into

into execution any plan having this for its object; and not many can be ſaid to have attained in any period of their hiſtory, thoſe enlarged views of the public intereſt which might lead to the inveſtigation or eſtabliſhment of ſuch a plan.

Rude nations have adhered to the firſt of theſe maxims, neglecting the ſecond. Nations advanced in induſtry and arts have adhered to the ſecond, neglecting the firſt.

Could any plan be propoſed for the uniting theſe two maxims in operation and effect, ſtill in rich and induſtrious nations, the ſuppoſed (not the real) intereſts of the leſs numerous but more powerful orders of men, would be found in oppoſition to its eſtabliſhment.

11. To eſtabliſh a juſt combination of theſe two maxims, at the original foundation of ſtates, ſo as to render it a

fundamental part of their frame and conſtitution, or to introduce it afterwards with as little violence as may be, to the actual poſſeſſions and ſuppoſed rights and intereſts of various orders of men, ought to be the object of all Agrarian laws; and this object being once diſtinctly conceived, if wiſe and benevolent men will turn their attention towards it, no doubt need be entertained that very practicable methods of carrying it into execution will in time be diſcovered, by compariſon of projects, or from the reſult of trials.

12. When any piece of land is ſold, the price paid by the new purchaſer may be conſidered as conſiſting of three parts, each being the value of a diſtinct ſubject, the ſeparate amount of which, men ſkilful in agriculture, and acquainted with the ſoil of the country, might accurately enough appretiate.

Theſe

Theſe parts are,

1*ſt.* The *original* value of the ſoil, or that which it might have born in its natural ſtate, prior to all cultivation.

2*d.* The *acceſſory* or *improved* value of the ſoil; that, to wit, which it has received from the improvements and cultivation beſtowed on it by the laſt proprietor, and thoſe who have preceded him.

3*d.* The *contingent*, or *improveable* value of the ſoil: that further value which it may ſtill receive from future cultivation and improvements, over and above defraying the expence of making ſuch improvements:—or, as it may be otherwiſe expreſſed, the value of an excluſive right to make theſe improvements.

If in England, 100 acres of arable are ſold for 1500 l. money being at 5 per cent, the contingent value may be reckoned 500 l.—for the ſuperior value of that ſecurity which land gives, may in a general

general argument, be ſuppoſed to be counterbalanced by the trouble of management. Of the remaining 1000l. two or three hundred may be computed to be the original value of the ſoil, a judgement being formed from the nature of the adjoining common, and the 700 or 800 l. remaining, is to be accounted the amount of the acceſſory or improved value. In this example, theſe three parts of the general value, are to one another as 2, 8, and 5. If the example is taken from an hundred acres in Bengal, or the lower Egypt, the proportion of the parts may be ſuppoſed to be 10, 4, and 1. If from 100 acres of uncultivated moorland, in Ireland, or the northern counties of England, the proportion of the parts may be as 1, 0, and 14.

13. The eſtate of every landholder may, while he poſſeſſes it, be conſidered as capable of being analyſed into theſe three

three component parts; and could the value of each be ſeparately aſcertained by any equitable method, (as by the verdict of an aſſize) it would not be difficult to diſtinguiſh the nature, and the extent of his private right, and of that right alſo which ſtill belongs to the community, in thoſe fields which he is permitted, under the protection of municipal law, to poſſeſs. He muſt be allowed to have a full and abſolute right to the original, the improved and contingent value of ſuch portion of his eſtate, as would fall to his ſhare, on an equal partition of the territory of the ſtate among the citizens. Over all the ſurplus extent of his eſtate, he has a full right to the whole acceſſory value, whether he has been the original improver himſelf, or has ſucceeded to, or purchaſed from the heirs or aſſignees of ſuch improver. But to the original and contingent value of this ſurplus extent, he has no full right. That muſt

ſtill

ſtill reſide in the community at large, and tho' ſeemingly neglected or relinquiſhed, may be claimed at pleaſure by the legiſlature, or by the magiſtrate, who is the public truſtee.

14. The difficulty of aſcertaining theſe different ſorts of value, and of ſeparating them from one another, if aſcertained, may be ſuppoſed in general to have prevented ſuch claims from being made. It is particularly difficult to diſtinguiſh the original from the acceſſory value; nor is the community much injured by ſuffering theſe to remain together in the hands of the greater landholders, eſpecially in countries where land-taxes make a principal branch of the public revenue, and no tax is impoſed on property of other kinds. The original value of the ſoil is, in ſuch ſtates, in fact, treated as a fund belonging to the public, and merely depoſited in the hands of great proprietors,

proprietors, to be by the impoſition of land-taxes, gradually applied to the public uſe, and which may be juſtly drawn from them, as the public occaſions require, until the whole be exhauſted. Equity however requires, that from ſuch land-taxes, thoſe ſmall tenements which do not exceed the proprietors natural ſhare of the ſoil, ſhould be exempted. To ſeparate the contingent value from the other two is leſs difficult, and of more importance; for the detriment which the public ſuffers by neglecting this ſeparation, and permitting an excluſive right of improving the ſoil, to accumulate in the hands of a ſmall part of the community, is far greater, in reſpect both of the progreſs of agriculture, and the comfortable independence of the lower ranks.

## SECTION II.

*Of the Right of Property in Land, as founded on public Utility.*

15. THE increaſe of public happineſs, is the true primary object which ought to claim the attention of every ſtate. It is to be attained by increaſing the common ſtandard or meaſure of happineſs, which every citizen may have a chance of enjoying under the protection of the ſtate; and by increaſing the number of citizens, who are to enjoy this common meaſure of happineſs. The increaſe of opulence, or of dominion, are ſubordinate objects, and only to be purſued, as they tend to the increaſe of happineſs, or of numbers; to both of which they are in ſome reſpects, and in certain caſes, unfriendly.

16. Whatever

16. Whatever regulations tend directly to increaſe the common meaſure of happineſs, enjoyed by each individual citizen, tend aſſuredly to increaſe the number of citizens. But every regulation tending to increaſe the number of citizens, does not certainly tend to increaſe the common meaſure of happineſs, and in various ſituations of the community, may tend to diminiſh it. The firſt ſort of regulations are therefore to be preferred, in caſe of interference to the ſecond.

17. The happineſs of individuals, or of any great body of men, is nearly in proportion to their virtue and their worth.—That manner of life, therefore, which is moſt favourable to the virtue of the citizens, ought, for the ſake of their happineſs, to be encouraged and promoted by the legiſlature.—Men employed

ployed in cultivating the ſoil, if ſuffered to enjoy a reaſonable independence, and a juſt ſhare of the produce of their toil, are of ſimpler manners, and more virtuous honeſt diſpoſitions, than any other claſs of men. The teſtimony of all obſervers, in every age and country, concurs in this, and the reaſon of it may be found in the nature of their induſtry, and its reward. Their induſtry is not like that of the labouring manufacturer, inſipidly uniform, but varied,—it excludes idleneſs without impoſing exceſſive drudgery, and its reward conſiſts in abundance of neceſſary accommodations, without luxury and refinement.

18. The families which are employed in this healthful induſtry, and live in this comfortable independence, increaſe more than others in different ſituations of life. —It is by their progeny chiefly, that the waſte of great cities, of armies, navies, commercial

commercial and manufacturing occupations are continually ſupplied.

19. The labour of men applied to the cultivation of the earth tends more to increaſe the public wealth, for it is more productive of things neceſſary for the accommodation of life, wherein all real wealth conſiſts, than if it were applied to any other purpoſe; and all labour applied to refined and commercial arts, while the ſtate can furniſh or procure opportunities of applying it to the cultivation of the ſoil, may be ſaid to be ſquandered and miſapplied, unleſs in ſo far, as it is given to thoſe liberal arts, whoſe productions operate on the mind, and rouſe the fancy or the heart.

20. The moſt obvious, the ſureſt and leaſt equivocal indication of proſperity and happineſs, is the ſtrength and comelineſs of a race of men.

21. Thoſe

21. Thoſe who are employed in agriculture, if not oppreſſed by the ſuperior orders, if permitted to enjoy competent independence, and ruſtic plenty, remote from the contagion of intemperance, are known to excel in ſtrength, comelineſs and good health, every other claſs of men in civilized nations; and are only excelled in thoſe reſpects, by ſome ſimple tribes of men, who enjoy the advantages common to both in a ſtill higher degree.

22. From all theſe conſiderations it may perhaps appear that the beſt, plaineſt and moſt effectual plan which any government can purſue for encreaſing the happineſs and the numbers of its people, is to encreaſe the number of independent cultivators, to facilitate their eſtabliſhments, and to bring into that favourable ſituation as great a number of citizens as the extent of its territory will admit.

admit.—Of two nations equal in extent of territory and in number of citizens, that may be accounted the happieſt in which the number of independent cultivators is the greateſt.

23. Any given country will then have the greateſt poſſible number of independent cultivators, when each individual of mature age ſhall be poſſeſſed of an equal ſhare of the ſoil—and in ſuch country the common meaſure or ſtandard of happineſs will probably have reached its higheſt degree.

Whether therefore we enquire into the natural rights and priviledges of men, or conſult for the beſt intereſts of the greater number, the ſame practical regulations for the economy of property in land, ſeem to reſult from either enquiry.

24. Whatſoever

24. Whatſoever plans ſeem to promiſe the increaſe of wealth, happineſs, and numbers in any other channel than the freedom and independence of cultivation, are of a more doubtful nature, and may well have their claim to public encouragement poſtponed until this paramount object of good policy be carried to its utmoſt perfection.

25. Manufactures and commerce promiſe ſuch augmentation of wealth and people. Some degree of both are requiſite for the progreſs of agriculture, and muſt attend it; but neither of them can in any ſituation of things have any title to encouragement at the riſk of obſtructing independent agriculture.—The balance of their reſpective claims may always be adjuſted in the moſt unexceptionable manner, by leaving men wholly to their free choice, and removing all obſtruction and monopoly equally from the purſuit

ſuit of both. Let all freedom be given to him who has ſtock, to employ it in any ſort of trade, manufacture, or agriculture, that he may chuſe; and let it be made equally eaſy for the farmer, to acquire the full property of the ſoil on which he is to exerciſe his induſtry, as for the manufacturer, to acquire the full property of the rude materials he is to work up.

26. That every field ſhould be cultivated by its proprietor, is moſt favourable to agriculture, and cultivation.—— That every individual who would chuſe it, ſhould be the proprietor of a field, and employed in its cultivation, is moſt favourable to happineſs, and to virtue. In the combination of both circumſtances, will be found the moſt conſummate proſperity of a people and of their country,—and the beſt plan for accommodat-

ing the original right of universal occupancy with the acquired rights of labour.

SECT.

## SECTION. III.

*Of the abuſe and pernicious effects of that exorbitant right of property in land, which the municipal laws of Europe have eſtabliſhed.*

27. THE means by which a ſtate may attain or approach near to this conſummate proſperity, cannot be thought to exceed the compaſs of human wiſdom duly applied; yet if we conſider the nature and the effects of that ſyſtem of property in land, which has ſuperſeded all others in the enlightened nations of Europe, and againſt which hardly any complaint has ariſen, we ſhall find them very different from what might be expected of any ſyſtem, in which even the ſmalleſt attention was paid to the natural rights, or the attainable happineſs of the great body of the people.—Of a million of acres, ſcarcely twenty thouſand are cultivated by proprietors—Of a thouſand citi-

zens, maſters of families, ſcarcely five hundred are employed in cultivating the ſoil for their own account, while four hundred and fifty of the remainder would prefer (or at the time of chuſing their employment for life would have preferred) that, to their preſent occupation, could they procure on reaſonable terms, the opportunity of exerciſing it—Of five hundred cultivators, not more than twenty are proprietors, or have any permanent tenure of the ſoil which they cultivate.—Of ten thouſand acres, ſcarcely ten are raiſed to that higheſt degree of fertility which experience has ſhewn that the common ſoil of the country may be brought to, by the judicious culture of occupiers, to whom the remoteſt advantages of that improvement are ſecured—Of one thouſand people, not five, can be thought to be endowed with that degree of ſtrength and comelineſs, which nature ſeems to have intended for the human race.

28. All theſe untoward circumſtances, which take place in moſt countries in Europe, in a higher degree than what is here ſpecified, may be traced up, as to their cauſe, to that excluſive right to the improveable value of the ſoil, which a few men, never in any country exceeding one hundredth part of the community are permitted to engroſs;—a moſt oppreſſive priviledge, by the operation of which the happineſs of mankind has been for ages more invaded and reſtrained, than by all the tyranny of kings, the impoſture of prieſts, and the chicane of lawyers taken together, though theſe, are ſuppoſed to be the greateſt evils that afflict the ſocieties of human kind.

29. The ſilent, but pervading energy of this oppreſſion, comes home to the boſoms and to the fireſides of the loweſt orders of men, who are thereby rendered meanſpirited and ſervile. It begets in them

them alſo for their own defence, ſo much cunning, fraud, hypocriſy and malignant envy toward thoſe who enjoy affluence, that by its wide and continual operation, the virtue of mankind is more corrupted, and their minds more debaſed, than by all the luxury and oſtentatious meanneſs of courts, together with the debauched indigence and riotous profuſion of great cities.

30. Whatever good reaſons may be given for reſtraining money-holders from taking too high intereſt, may with ſtill greater force be applied to reſtraining proprietors of land from an abuſe of their right. By exacting exorbitant rents they exerciſe a moſt pernicious uſury, and deprive induſtry that is actually exerted, of its due reward.—By granting only ſhort leaſes, they ſtifle and prevent the exertion of that induſtry which is ready at all times to ſpring up, were the cultivation

cultivation of the ſoil laid open upon equitable terms.

31. It is of more importance to the community, that regulations ſhould be impoſed on the proprietors of land, than on the proprietors of money; for land is the principal ſtock of every nation, the principal ſubject of induſtry, and that, the uſe of which is moſt neceſſary for the happineſs and due employment of every individual.

32. Nor is it leſs practicable to adapt regulations to the uſe of land, than to the uſe of money, were the legiſlative body equally well inclined to impoſe ſalutary reſtrictions on both. The glaring abuſes of the one, might be as effectually prevented as thoſe of the other; altho' the total excluſion of all manner of abuſe from either, is not to be looked for.—But that claſs of men in whom the ſtrength of every government reſides, and the right of making or the power of influencing and controlling thoſe who poſſeſs

poſſeſs the right of making laws, have generally been borrowers of money, and proprietors of land.

33. Simple ruſticks are naturally averſe to quit their native ſoil, and the narrow circuit of that neighbourhood in which their youth has been ſpent. Hence the unlimited right of property in land, becomes a monopoly in the hands of the proprietors of every diſtrict: a monopoly which tends not leſs to the ſtarving of their fellow citizens, than a monopoly of bakers without any controul or inſpection of the magiſtrate would do. It will not produce its effects very ſuddenly indeed: it is only a lingering piecemeal famine, under which the individual languiſhes, and the race becomes dwarfiſh, debilitated, and deformed.

34. What other cauſe than this pernicious monopoly can be aſſigned, why population

population has been ſo long at a ſtand in Europe, and does not advance with nearly the ſame rapidity as in America; ſince ſo much land remains in every country that may be cultivated, or improved, at little more, perhaps equal, or leſs expence, than the foreſts of the new world can be cleared? Vicinity would compenſate ſome difference in expence, but the perſons who would be inclined to beſtow their labour on theſe European waſtes, cannot hope to obtain property in them on reaſonable terms.

35. What other reaſon can be given, than the influence of this monopoly, why in countries, for many ages not thinly inhabited, nor unacquainted with the arts of agriculture, ſo great a proportion of the ſoil ſhould ſtill remain barren, or at leaſt far below that ſtate of fertility, to which the judicious cultivation of independent occupiers could bring it?

it? If in any country this monopoly were abated or removed, population and agriculture would advance together gradually, perhaps rapidly; nor would they find any limit to their progreſs, until every two acres of dry land, the ridges of mountains excepted, were rendered capable of maintaining a man; and until the population of that country, if it does not already exceed the mean population of Europe, were increaſed perhaps five fold.

36. While the cultivable lands remain locked up, as it were, under the preſent monopoly, any conſiderable increaſe of population in a particular ſtate, tho' it ſeems to add to the public ſtrength, muſt have a pernicious influence on the relative intereſts of ſociety, and the happineſs of the greater number. —By diminiſhing the wages of labour, it favours the rich, foſters their luxury, their

their vanity, their arrogance; while on the other hand it deprives the poor of ſome ſhare of their juſt reward, and neceſſary ſubſiſtence. While this monopoly ſubſiſts, the celibacy of the Roman Catholic clergy, is far leſs detrimental in a political light, than it has been ſuppoſed to be. Juſtly might that order retort on the landholders, the accuſation of retarding the population of the ſtate.

37. When mention is made in political reaſonings of the intereſt of any nation, and thoſe circumſtances, by which it is ſuppoſed to be injured or promoted, are canvaſſed, it is generally the intereſt of the landholders that is kept in view: nor would there be any miſtake in this, if all men were admitted to claim, if they choſe it, their natural ſhare of the ſoil.—The prevalence of this manner of ſpeaking and reaſoning,

reaſoning, may well be conſtrued to indicate, amid all the artificial eſtabliſhments of ſociety, a ſecret tho' confuſed perception of this original right.

38. Regarding the whole wealth of the community, as belonging of right to themſelves, landholders ſtand foremoſt in oppoſing the impoſition of exorbitant taxes by the ſtate, forgetting the exorbitancy of that taxation which they themſelves impoſe on the cultivators of the ſoil, and which the ſovereign may in juſtice, and in the way of retaliation ought to regulate and reſtrain.—They clamour aloud againſt penſions and ſinecure places, beſtowed by the ſovereign, not adverting that their own large incomes are indeed penſions, and ſalaries of ſinecure offices, which they derive from the partiality of municipal law in favour of that order of men, by whom its regulations are virtually enacted. The injury

injury done to the community at large is the ſame, whether ſuch unjuſt diſtribution be made by the chief magiſtrate, or by the ſyſtem of laws itſelf. The injuſtice proceeding from the latter, will always be more permanent, and more extenſive.——Againſt the tithes of the clergy, landholders have been accuſtomed to complain bitterly, as the bane of agriculture, as an uſurpation on their own moſt evident rights, as wages exacted for which little or no duty is performed. But, while the bad effects of a tithe right muſt be acknowledged, in checking improvement, and robbing humble induſtry of its due reward; the right of the landholder muſt be allowed to operate in the ſame manner, with more unlimited force. The foundation of both rights, notwithſtanding prejudices on either ſide, is preciſely the ſame, viz. the improvident regulations of municipal law. And if any pretenſions to a higher

higher original are advanced, thoſe in favour of the tithe right are no doubt moſt plauſible. If conſidered as the reward of duties, to be performed to the public, the incomes of the clergy, after admitting all that ſpleen has advanced againſt that order of men, muſt appear by far better earned. How ſlight indeed in themſelves, and how negligently performed, are thoſe duties which the ſtate ſeems to expect at the hands of landholders, in return for their affluence?

39. The public good requires that every individual ſhould be excited to employ his induſtry in increaſing the public ſtock, or to exert his talents in the public ſervice, by the certainty of a due reward. Whoever enjoys any revenue, not proportioned to ſuch induſtry or exertion of his own, or of his anceſtors, is a freebooter, who has found means to cheat or to rob the public, and more

eſpecially

eſpecially the indigent of that diſtrict in which he lives.—But the hereditary revenue of a great land-holder is wholly independent of his induſtry, and ſecure from every danger that does not threaten the whole ſtate. It increaſes alſo without any effort of his, and in proportion to the induſtry of thoſe who cultivate the ſoil. In reſpect of their induſtry, therefore, it is a *taille* or progreſſive tax of the moſt pernicious nature, and in reſpect of the land-holder himſelf, it is a premium given to idleneſs, an inducement to refrain from any active uſeful employment, and to withhold his talents, whatever they are, from the ſervice of his country.—If the circumſtances in which he finds himſelf placed, ſtimulate to any exertion at all, it is that inſidious vigilance, by which he himſelf is debaſed, and his dependants at once corrupted and oppreſſed.

40. The

40. The indirect and remote influences of this monopoly, are productive of many unnatural ſituations, and many pernicious effects, which the ſkill of legiſlature is frequently employed in vain to redreſs. —Were this monopoly any where removed, and the cultivation of the ſoil laid open upon reaſonable terms, the loweſt claſſes of men would not be deſtitute of wherewithall to maintain their decayed and infirm relations and neighbours. Theſe charitable attentions, prompted by private affection, would be better diſcharged, than when they devolve on the public; and all that encouragement to idleneſs, that waſte, and miſmanagement, inſeparable from poor rates, and other public inſtitutions of this ſort, would be ſpared.— In any country where this monopoly were aboliſhed, ſumptuary laws, which might have the moſt ſalutary effects on the manners, and character, and even on the proſperity of a people

a people, would not be politically abſurd and pernicious, as in the preſent ſtate of Europe, they muſt be confeſſed to be.

In a country where the opportunities of exerciſing a natural employment, and finding an eaſy ſubſiſtence, were thus laid open to all, the temptations to theft and other violations of property, would be very much diminiſhed; nor could it be thought neceſſary, to reſtrain ſuch crimes by the unnatural ſeverity of capital puniſhments.

In ſuch a country no ſuſpicion could ariſe, no ſurmiſe would be liſtened to, that the invention of machines for facilitating mechanical labour, could ever be pernicious to the common people, or adverſe to the proſperity of the ſtate. The plough itſelf, is the firſt machine againſt which any imputation of this kind could be admitted, and the time

might indeed come when ſuch imputation would be juſt.

41. That legiſlature which is not willing, or muſt not venture to remove this monopoly from the lands of the ſtate, owes it in juſtice and in tenderneſs to the perſons born under its protection, that emigration at leaſt ſhould be free; or rather, that it ſhould be encouraged and facilitated, to all who deſire to remove into countries, leſs fully ſettled, in ſearch of their natural rights, and moſt ſalutary occupation. This may indeed ſeem to impair the national ſtrength, by diminution of numbers, and it will undoubtedly affect the intereſt of the higher ranks; but by raiſing the wages of labour, it muſt increaſe the proſperity of the lower and more numerous ranks. To increaſe the proſperity and the happineſs of the greater number, is the primary object of government,

vernment, and the increaſe of national happineſs muſt be the increaſe of national ſtrength.—Beſides that the equilibrium of happineſs between the old country and the new, would be found, long before any conſiderable diminution of numbers had taken place in the former. Is it not the duty then, and perhaps alſo the intereſt of every legiſlature in the weſt of Europe, to promote the emigration of its leſs opulent ſubjects, until the condition of the lower claſſes of men at home be rendered nearly as comfortable as the condition of the ſame claſſes in the new ſettlements of North America?

42. Perhaps no government can claim to itſelf the praiſe of having attended with the ſame impartial care, to the intereſts of the lower, as of the higher claſſes of men. Thoſe who are employed in cultivating the ſoil, are placed

below the regard of men in higher ſtations of public dignity and truſt; nor are their ſufferings and wrongs obtruded on every eye, like the miſery of the begging poor. They themſelves are not much accuſtomed to reflection; they ſubmit in moſt countries to their hard fate, as to the laws of nature, nor are they ſkilled, when ſeverer oppreſſion has at any time awaked them to a ſenſe of the injuſtice they ſuffer, in making known their feelings, and their complaints to others. But if the intelligent, and the friends of mankind, will take ſome pains to enquire into the nature and extent of that oppreſſion, under which the induſtrious peaſants groan in ſecret, and the force of that exorbitant monopoly, from whence their grievances proceed; and if ſuch men will employ the talents which nature hath given them, in explaining theſe grievances, and the rigour of that monopoly, to the whole world,--Europe,

enlightened

enlightened Europe will not be able to endure it much longer; and the ſubverſion, nay even the abatement of this monopoly, with the abuſes flowing from it, may well deſerve to be accounted the beſt, and moſt valuable fruit of all her refinements and ſpeculations.

43. If it be indeed poſſible to accompliſh any great improvement in the ſtate of human affairs, and to unite the eſſential equality of a rude ſtate, with the order, refinements and accommodations of cultivated ages; ſuch improvement is not ſo likely to be brought about by any means, as by a juſt and enlightened policy, reſpecting property in land. It is a ſubject intimately connected with the proper occupation and the comfortable ſubſiſtence of men; that is, with their virtue and their happineſs. It is of a real ſubſtantial nature, on which the regulations of law may be made to operate

operate with efficacy, and even with preciſion.

44. So powerful and ſalutary might the good effects of ſuch an enlightened policy prove, ſo beneficial ſuch a reſtoration of the claims of nature, and the general birthrights of mankind, that it might alone ſuffice to renovate the ſtrength of nations, exhauſted by civil war, or by great and unſucceſsful enterprizes; and even in the moſt flouriſhing ſtates, it might give riſe to a new Era of proſperity, ſurpaſſing all example, and all expectation that may reaſonably be founded on any other means of improvement.

# PART II.

## SECTION I.

*Of Circumſtances and Occaſions favourable to a compleat Reformation of the Laws reſpecting Property in Land, by the ſovereign or legiſlative power.*

45. IF indeed, we conſider only, how far the preſent ſtate of property in land, even in the moſt flouriſhing and beſt governed nations of Europe, is removed from that more equitable and advantageous ſyſtem, which tends to eſtabliſh in every country, the greateſt number

ber of independant freehold cultivators, that the territory of the ſtate can admit, we may almoſt be led to deſpair, that any great progreſs can be made towards ſo remote an improvement, however juſtly, and however much it may be deſired.—On the other hand, the actual ſyſtem of landed property in the Weſt of Europe is greatly changed, and in ſome reſpects greatly improved from what it has formerly been. It has varied its form, with the prevailing character of ſucceſſive ages; it has been accommodated to the rude ſimplicity of the more antient times, to the feudal chivalry of the middle centuries, and to the increaſing induſtry and cultivation of later more tranquil periods: it may now therefore be expected to receive a new modification, from the genius and maxims of a commercial age, to which, it is too manifeſt that the lateſt eſtabliſhment of landed property is by no means adapted,

ed, and that from this incongruity, the moſt pernicious and moſt flagrant oppreſſions ariſe.

That free diſcuſſion which every ſubject now receives, gives reaſon to hope, that truth and utility will always triumph, however ſlowly; and various examples may be offered to confirm theſe hopes. In politics, in agriculture, in commerce, many errors have been rectified in theory, and even the practice in ſome, though not in an equal degree, reformed. And ſhall it be reckoned then, that in this the moſt important of all temporal concerns, to the greateſt number of mankind, the moſt pernicious errors will be ſuffered to remain ſtill unrefuted, or if not unrefuted ſtill unreformed? It is not permitted to the friends of mankind to deſpair of ought which may tend to improve the general happineſs of their ſpecies, any more than it is conſiſtent with a magnanimous and genuine

genuine patriotiſm ever to deſpair of the ſafety of our country.

There have not been wanting in former times, nor will there fail hereafter to ariſe in the courſe of human affairs, occaſions, conjunctures, and ſituations, in which a new and perfect ſyſtem of property in land might be completely eſtabliſhed at once;—other conjunctures, other ſituations of much more frequent occurrence, are favourable, in a greater or a leſs degree, to partial reformation, and progreſſive improvement of the antient ſyſtem; and in many caſes where public care cannot be effectually applied, the beneficence and even the intereſt of particular perſons well directed, may be made to produce no inconſiderable effects; and to furniſh examples of that which the rulers of mankind ought to aim at producing in a large extent.

46. Con-

46. Conquering princes, and great revolutions effected by the prevailing force of arms, have not often made their appearance on the theatre of the world, in modern times; but the longer that interval which has elapſed is, the greater probability there ſeems to be, that ſome new phænomena of this intereſting ſort, are about to be preſented to the nations of the earth.

At the head of his victorious army, a conquering monarch has it in his power, no doubt, to re-eſtabliſh in the ſubjected ſtate, the inherent rights of mankind, and the ſyſtem of natural juſtice, with regard to the property of the ſoil. He may even perceive it to be in all probability the beſt ſecurity of his new acquiſitions, and certainly the beſt foundation of his claim to immortal renown. It were an object, and a pretext which might even in the eye of reaſon and philoſophy almoſt juſtify the ambi-

tious

tious desire of conquest in the breast of an heroic prince; or if it may not avail so far, no other pretext whatever can be admitted to do so.

In proportion as the true principles of property in land are enquired into, canvassed, and established in theory, it becomes less improbable that heroes and conquerors, hitherto esteemed the scourges of mankind, may be led to adopt such a salutary reformation of landed property for their object; and in the same proportion it will become more easy for them to make such magnanimous and benevolent intentions generally understood, and to engage the concurrence and good wishes of all men in their accomplishment.

47. The establishment of new colonies, sent forth from the civilized and populous nations of Europe, may be supposed frequently to take place hereafter. The practice seems only in its com-

commencement, and the miſtakes incident to firſt trials are not yet corrected. Immenſe tracts of vacant or half-peopled countries, both maritime and inland, ſtill invite emigrants and planters from every quarter. The ſouthern regions of Africa and America, the Banks of the River of the Amazons, and the whole Continent of New Holland, have ſcarcely yet received the firſt ſettlements of any race of men by whom they may be cultivated and filled. Siberia alone it is thought might contain the whole inhabitants of Europe more at eaſe than in their preſent habitations. Princes, inſtead of impriſoning their ſubjects, may come to perceive that a well regulated exportation of men, as of any other commodity, tends to ſecure, and to increaſe the domeſtic produce.—Even Britain will no doubt find inviting occaſions (and juſt now perhaps has them) of ſending forth new colonies, on better digeſted plans, with happier omens,

*Et quæ fuerint minus obvia Graiis.*

In

In every ſuch ſettlement there is opportunity of eſtabliſhing the juſt and natural ſyſtem of property in land, in the moſt advantageous form. The fundamental laws of ſuch a colony ought to aſcertain in preciſe and explicit terms, the joint property of the whole community in the whole ſoil; a right which in that ſituation of their affairs will be eaſily comprehended by all. They ought further to aſcertain the permanent and indefeaſible nature of this right, which no poſſeſſion of individuals, nor any induſtry by them applied to any portion of the ſoil, can ever cancel or impair.

However extenſive the tract of country may then be in proportion to the number of the firſt ſettlers, general rules ſhould even then be eſtabliſhed, having reſpect to a future period when the whole territory may be found too ſcanty for its multiplied inhabitants. By ſuch precautions, occaſionally enforced by practical

tical examples, it ſeems not impoſſible to prevent the formation of thoſe erroneous opinions of private right, and thoſe habits of poſſeſſion, which in countries long ſettled prevent the greater number of citizens from knowing, or deſiring to claim their natural rights in this moſt important point; and which would produce the moſt violent oppoſition to their juſt claims, if at any time they were advanced.

48. Whatever inclination a wiſe and benevolent ſovereign may have, to communicate to all his ſubjects that proſperity which the reformation of property in land ſeems capable of diffuſing, it may appear in moſt caſes too hazardous for the public peace, and the ſecurity of his throne, to attempt the eſtabliſhment of a wiſe and equitable ſyſtem at once, and in the whole extent of his dominions: yet in ſome inſtances, a fair opportunity

portunity is given, of making a complete change in the landed property of certain ſubordinate ſtates, which though held in abſolute dependence by the ſovereign, are not incorporated with, but conſidered as eſſentially diſtinct from the great body of his dominions: ſo diſtinct, that no innovation in the ſmaller realm, is likely to give any alarm, or create any jealous diſcontent in the other. Such is the ſubjection of Courland to the throne of Ruſſia; ſuch perhaps the dependance of Milan on the Houſe of Auſtria; of Corſica on France, and of Minorca on Britain; not to mention all thoſe dependant ſtates which Britain and other European nations, have brought under their yoke on the Continent of Aſia, and in the iſlands of the eaſt.

49. Great monarchs ſometimes ariſe who having confirmed the authority of an

an abſolute ſovereignty by the vigour of their natural talents, and by unremitting application to the cares and occupations of their royal office, have attained ſuch an aſcendant over all ranks of their people, that, without hazard they might avow themſelves the patrons of the multitude, and ſupporters of natural juſtice, in oppoſition to all the confederated force of the powerful and the rich. Europe, ſees at leaſt one prince, to whoſe magnanimity and talents a complete and total reformation of the ſyſtem of landed property in his dominions, might be thought no unequal taſk, and to whoſe benevolent zeal for the general good of his people, the idea of ſuch a reformation might preſent itſelf as no chimerical project. In looking back through the records of modern ages, it is difficult to fix on another prince equally capable of conceiving ſo ſublime a ſcheme, and of proſecuting the meaſures requiſite

for carrying it into execution; unleſs perhaps, that father of his people, who wiſhed only to live, that he might convince the French nation how much he loved them as his children, and who hoped to ſee the day when every houſeholder throughout his dominions ſhould put a fowl into his pot on Sunday. Had the reign of this humane prince, to whom the condition of the lower claſſes was familiarly known, been prolonged in peace, he might probably have beſtowed more particular attention on the means by which his paternal wiſhes were to be realized; the talents of his faithful miniſter would have been exerted in ſuch ſchemes, with ſtill greater alacrity, and perhaps with greater ſkill, than in thoſe warlike preparations which buſied the laſt years of his maſter's reign; and the effects due to the joint endeavours of ſuch a ſovereign, and ſuch a miniſter muſt have followed.

Many

Many princes who might ſucceed perhaps in carrying ſuch ſchemes into execution, may not be endowed with that magnanimous and comprehenſive turn of mind, without which they cannot be formed; or are deficient in that courage, without which no trial will be attempted. Yet, if any plan may be concerted, by which it ſeems not unlike that the happineſs of mankind might be increaſed two-fold at once, where is the monarch who would not eagerly engage in ſuch attempts, at whatever riſk? Where indeed is that monarch who enjoys ſo much felicity himſelf in the poſſeſſion of a throne, that in ſuch a cauſe, with the hope of accompliſhing ſo great an advantage to his people, and obtaining ſuch diſtinguiſhed glory for himſelf, he ought not to riſk it all.

*Mortemque pro laude paciſci.*

## SECTION II.

*Of Circumſtances and Occaſions favourable to a partial Reformation of the Laws reſpecting Property in Land, by the ſovereign or legiſlative power.*

50. MANY ſchemes of innovation may be thought of, which without amounting to a complete change, or the eſtabliſhment of the beſt ſyſtem of property in land, might yet recommend themſelves to the attention of abſolute monarchs, as being more ſuddenly, and therefore more ſafely to be carried into execution, than any total reformation can be; and productive of very beneficial effects, though not of the beſt.

Such as 1ſt. To fix the rent of every farm for ever, and limit the duration of

of all leaſes to a ſingle life of the tenant; that is, to convert leaſes into benefices.

2dly. To make the duration of every leaſe perpetual, ſo long as the tenant may chuſe to make an addition of one-twelfth, or ſome other juſt proportion of the preſent rent, at the end of every thirty years.

3dly. To make the duration of every leaſe perpetual, reſerving to the landlord a ſtated proportion of the annual produce, ſuppoſe one-fifth to be paid in the ſtaple commodity of the country; the amount of this produce to be aſcertained by a jury, once in thirty years, if the landlord require it, or in twenty, if the tenant chooſes.

4thly. To convert all farms into freeholds, with a reſervation of the preſent rent to the landlord, transferring at the ſame time all land taxes and all public

burthens whatever, with all their future augmentations from the landlord, to the new freeholders, formerly his tenants.

5thly. To eſtabliſh a ſort of jubilee, with regard to property in land, by enacting, that at the expiration of fifty years after the laſt purchaſe of an eſtate in land, every farm ſhall become freehold in the hands of the farmer, with reſervation of the average rent of the laſt ſeven years, to the landlord.

Theſe are examples only, many other ſchemes might be eaſily deviſed.

By the 1ſt, the landlord receives power in exchange for gain, and by the 4th, a lucrative exemption, in place of the uncertain increaſe of a racked rent.

By the 3d, the claims of both parties are compromiſed in a manner ſcarcely

ly leſs favourable to the landlord, and far leſs oppreſſive to the cultivator, than the conditions of leaſes for a limited time commonly are.

By the 2d, the cultivator, and by the 5th, the landlord, would be excited to a diligent improvement of the fertility of the ſoil.

In all caſes, the farms thus converted into freehold, ſhould be made ſubject at the ſame time to the laws of gavel-kind, until they are ſubdivided into allotments of leſs than forty acres, or whatever other ſtandard may be fixed upon as beſt ſuited to the ſtate of the community, and the nature of the ſoil.

51. It has ſometimes happened, though too rarely, that all ranks and orders of men in a ſtate, forgetting for a while their ſubordinate and particular intereſts, are diſpoſed with concurring wiſhes to ſeek for, and to adopt whatever ſchemes may contribute moſt effectually to the public

public good, and may become the foundations of laſting order and proſperity. Such ſeems to have been the prevailing diſpoſition of the Romans, when the laws of the ten tables were enacted; ſuch nearly that of Athens, when Solon was intruſted by his fellow citizens to compoſe a body of laws for their country; and ſuch that ſpirit which ought to pervade, and has in general pervaded every community of men, while contending for independance, againſt the efforts of a more powerfull ſtate.

Should ever any happy concurrence of diſpoſing cauſes produce ſuch a temporary diſpoſition in any of the Weſtern nations of Europe; could the legiſlature, prompted by enlightened zeal for the univerſal good, ſet at nought the diſcontents which might ariſe in any particular claſs, and remove with eaſe all oppoſition made to their generous purpoſes; in this

this fortunate ſituation, it might occur to them, perhaps, that a juſt regulation of property in land, is of all thoſe arrangements which the preſent moment could give opportunity of eſtabliſhing, the moſt eſſential for diffuſing proſperity and independence among the body of the people.

Purſuing this idea, biaſſed by no influence, awed by no faction, they might be led to enact a law, by which every perſon inclined to employ himſelf in cultivating the earth for his own ſubſiſtence, and that of his family, ſhould be entitled to claim in full property, a reaſonable ſhare of the ſoil of his country; without prejudice however to the juſt rights of any other perſons who may have previouſly beſtowed their induſtry in cultivating and improving the ſame ſpot.

Such a law, might from the nature of its operation, be not unfitly denominated a progreſſive

progreſſive Agrarian, and might be compriſed in the following articles, or others of ſimilar effect :

I. That every citizen, aged twenty one years or upwards, may, if not already in poſſeſſion of land, be entitled to claim from the public a certain portion, not exceeding forty acres, to be aſſigned him in perpetuity, for cultivation and reſidence, in the manner, and under the conditions hereafter ſpecified.

II. That the claimant ſhall have right to chooſe the ſituation of his allotment, on any farm, freehold, or uncultivated common, within his own pariſh, if the ſame be not excepted by the other proviſions of this law. If there be no unexcepted land in his own pariſh, he ſhall have right to chooſe in any of the pariſhes contiguous to his own; and if in theſe there be no unexcepted

excepted land, he ſhall have right to chooſe throughout the whole diſtrict or county.

III. This allotment ſhall be ſet apart, and its land marks fixed by the magiſtrate, with the aid of an aſſize, or of arbitrators, choſen by the parties. It ſhall be marked out, in the manner moſt convenient to both the old and the new occupier: it ſhall approach to a ſquare, or ſome other compact form: one of its ſides ſhall run along the boundary of the old farm; and it ſhall have communication with ſome road already patent.—None of theſe circumſtances to be departed from without the conſent of both parties.

IV. The ground thus ſet a part, ſhall be ſubmitted to the cognizance of an aſſize, or of arbitrators choſen by the parties, who ſhall determine what reſerved perpetual rent the claimant muſt

muſt pay to the landlord, and what temporary rent to the former tenant, (if any,) in compenſation of their rights.

V. The following farms are to be exempted from all ſuch claims.—Every farm from which if the allotment claimed is taken away, leſs than forty acres will remain to the firſt tenant.—The farm or park belonging to the lord of the manor, the ſame bearing a regulated proportion only to the extent of his eſtate.—Every farm of whatever extent that has not been fifteen years occupied by the preſent tenant.—Every farm whoſe arable ground has been diminiſhed, one half by claims founded on this law, ſhall be exempted for twenty years to come, if the tenant ſo deſire.—All farms of barren ground taken for the ſake of improvement, under ſuch forms and regulations as

may

may prevent the colluſive evaſion of this law.

VI. The perſon thus acquiring property in land, ſhall continue to reſide upon his farm. He ſhall have right to tranſmit it to his heirs, or aſſignees in full property, or under a reſerved rent, but ſhall not have, nor tranſmit the right of alienating it with reverſion, that is of letting the whole, or any part of it in leaſe.—If he ſells to another, who ſhall not reſide upon, but annex it to ſome other farm, one-tenth part of the price, or of the reſerved rent, ſhall belong to the public.

VII. The property acquired in theſe allotments, ſhall not carry along with it any right of common of any ſort in the commons, woodlands, private roads, or other appendages of the manor, excepting only, in the neareſt well, and watering-pond, and in

in the bog, or common, for turf, if that is the feuel of the country ; in which caſe, this right is to be regulated by the uſages of the manor, as if the allotment had been given off in leaſe only. Neither ſhall any uſe, preſcription, or connivance, ever in courſe of time procure to the holder of ſuch allotment any right of common, that is not founded on, and aſcertained by expreſs compact.

The Agrarian laws of antiquity ſeem to have failed of producing durable and beneficial effects, chiefly from two circumſtances.

1ſt. Their operation was ſudden, violent, and occaſional only, whereas the progreſſive Agrarian is ſo conſtituted, as to exert a continual influence, more or leſs intenſe in proportion as the general

neral intereſts of the community may require.

2d. The antient Agrarian laws, were eaſily, and ſo generally evaded; as they oppoſed the whole body of thoſe who wanted lands, to the whole body of thoſe who poſſeſſed more than the legal allotment, without aſſigning to individuals, a ſpecific right in any particular fields or diſtrict, a general convulſion of the ſtate muſt have attended every attempt to call forth the energy of law. To avoid theſe tumults, all perſons ſoon became diſpoſed to connive at various evaſions of theſe laws, and to acquieſce in their falling into deſuetude, until ſome popular leader aroſe and called anew for their reſtoration. But the progreſſive Agrarian aſſigns particular definite rights to a few men, within every diſtrict of moderate extent; it oppoſes the natural claims and

and the indigence of theſe few men, to the exorbitant poſſeſſions and the opulence of a ſtill ſmaller number within the ſame diſtrict.—The facility of evaſion muſt be much diminiſhed by this regulation. The vigilance of the claimants being confined to a narrow ſpace, will be more awake and preciſe; their limited rights founded on a local claim, and derived from their birth, will be more diſtinctly conceived by themſelves, and more readily ſupported by the concurring ſentiments of all other men.

52. Without venturing to make openly any alteration in that ſyſtem of landed property, which like ſyſtems of corrupted religion is regarded with ſuperſtitious reverence in countries where it has long obtained, many occaſions will occur, whereof advantage may be taken to introduce under the cover of other objects,

and

and as part of the uſual proceedings of the ſtate, ſuch regulations as may tend very effectually, though by remote and indirect influence, to promote the independence of the plough, and the diſtribution of property in land, in ſmall allotments among the loweſt ranks of the people.

If for example, new taxes are to be levied, what ſubjects of taxation can be more juſtly liable to the impoſition, or more productive, than large farms, and ſhort leaſes? The landlord, by adopting theſe plans in the management of his eſtate, means to derive advantage to himſelf, from meaſures which at once obſtruct the increaſe of population, and diminiſh the ſpirit and independence of the common people; and if his right to make theſe invaſions on the public good cannot be directly attacked, let him at leaſt be obliged to indemnify the pub-

lic in ſome degree, by ſome other mode, more familiar to the minds of men.

A tax impoſed on barren lands, and ſo regulated as to engage the proprietor in their immediate cultivation, or oblige him to reſign them to the community for general diſtribution, could not be eſteemed in the ſmalleſt degree unjuſt. His right to theſe barren lands is founded ſolely on occupation; there is no improved value ſuperadded, no right accruing from labour beſtowed, and as he occupies beſide, more than his equal ſhare of the ſoil, the whole unimproved tracts of his eſtate, belong ſtrictly and entirely to the public; and no ſmall indulgence is ſhewn in giving him an option to improve or to reſign them.

A tax on all augmentation of rents, even to the extent of one half the increaſe, would be at once the moſt equitable, the moſt productive, the moſt eaſily collected, and the leaſt liable to evaſion,

evaſion, of all poſſible taxes; and might with inconceivable advantage diſincumber a great nation from all thoſe injudicious impoſts by which its commercial exchanges are retarded and reſtrained, and its domeſtic manufactures embarraſſed.

If the increaſe of population is to be promoted by encouraging the marriages of the lower ranks, let every farmer be entitled to an addition of five years, to the duration of his leaſe, (whatever that may be) for the firſt legitimate child, and of three years for every other.—Let every perſon whatever, not poſſeſſed of lands, and having five children, be entitled to the privileges of the Agrarian law, within a certain diſtrict.

If the improvement of agriculture is to be promoted and rewarded, let not the prize held forth to thoſe who excel, be, as it has ſometimes been in France, the rank of nobility; but rather the full property, under reſervation of the preſent rent, of

thoſe farms to which their ſkill and induſtry have been applied; and let an annual prize or prizes of this ſort be propoſed not for the whole extent of a great kingdom, but for every ſmall diſtrict and neighbourhood.

If any changes are to be made in the municipal laws, relative to ſucceſſion, inheritance, or the tranſmiſſion of property in any other form, let them not paſs unaccompanied by the introduction of ſome mode of the Agrarian law, extended over the eſtates of thoſe perſons whoſe intereſts or caprice are conſulted in the intended change.—Let no land eſtate, for example, paſs to heirs of entail, nor even to collaterals in the ordinary courſe of ſucceſſion, without becoming ſubject to ſuch a law, even in its utmoſt extent.

53. Certain regulations which have formerly taken place, and are like enough

nough to be renewed in flouriſhing ſtates, are of ſuch a nature, that they ought to be accompained by the introduction of ſome branches of the progreſſive Agrarian law, as an equivalent and compenſation in ſome degree to thoſe orders of men, whoſe intereſts are encroached on by the change; and as a very moderate deduction from the advantages of thoſe other orders, for whoſe advantage chiefly ſuch regulations are intended;—two remarkable examples may be pointed out in the reduction of intereſt, and the corn laws.

Every reduction of intereſt throws a great immediate advantage into the hands of the landholders, who are in general incumbered with debts: the intereſt of theſe debts being reduced, their actual income is thereby increaſed; beſides, this reduction increaſes the value of their property in land, if they are obliged to ſell off a part, or the whole; and

and it tends to enhance the rent of farms, by determining perſons who had formerly lived, on the mere annual rents of their ſtock to betake themſelves now to ſome ſort of induſtry, and to agriculture more than any other, as being that alone, which men are ſuppoſed qualified to undertake, without any particular education to fit them for it.

All thoſe laws which prohibit the importation of grain into any country, and ſtill more thoſe which give a premium on the exportation, are calculated to beſtow great advantages on the farmer and landholder, though chiefly on the latter, at the expence of that far more numerous claſs of citizens, who till no land for their own behoof, and muſt purchaſe all the grain or bread conſumed in their families from the landlord and the farmer, or their agents and retailers.

Com-

Commonly one half of the ſlender incomes which men of this claſs enjoy, muſt be expended on this indiſpenſible article, the price of which is by theſe laws, kept up one-fourth or more, above its natural level.

Were it not highly reaſonable then, that the induſtrious poor, who are taxed in this manner, and to this amount, without their conſent, for the behoof not of the public, but of other orders of men richer than themſelves, ſhould have it at leaſt in their power, to paſs with eaſe from that claſs of people, who muſt go to market to purchaſe this commodity, to the claſs of thoſe who raiſe and have it to ſell. The introduction of a progreſſive Agrarian law, extending over the demeſnes of the crown, waſte lands, and farms of too great extent, would produce this effect in no inconſiderable degree; and would at the ſame time, eſſentially promote the object of all

corn

corn laws, if that object be indeed the proſperity and increaſe of agriculture, and not rather the profitable monopoly of the landholders.

54. It is by no means without example, that the legiſlative power of a ſtate, however tender of ſeeming to meddle with the general ſyſtem of property in land, ſhould interfere to impoſe ſome regulations on the manner of granting leaſes. Ireland furniſhes a recent example of ſome importance, and the laws of many countries, have, on various occaſions, interpoſed their authority, to protect the peaſants from outrageous oppreſſions, from violent and ſudden removals, and from the pretenſions of a new purchaſer, coming in place of their former Lord.

In this field, there is great room, without ſeeming to paſs beyond the uſual juriſdiction of municipal law, for intro-

introducing into moſt countries, new and beneficial regulations, relative to the three eſſential articles of a leaſe, the extent, the duration, and the rent to be paid.

In reſpect of duration all leaſes ought to be of conſiderable length, (ſufficient at leaſt for the farmer to bring up his family, and ſettle them around him, without being removed himſelf) and of uncertain termination, ending with a life. New forms adapted to the advantage of both parties, might eaſily be deviſed; as for example, a leaſe which might be called a leaſe on alternate lives, beginning with that of the leſſee, and ending with the life of that perſon who ſhall have come into the place or right of the leſſor, when the firſt life falls, or when any number of years 20, 30, 40, or more from that uncertain date, have elapſed.

That the extent of the farms ſet in leaſe ſhould be moderate, is certainly moſt

moſt advantageous to the community in general, and may be ſo adjuſted as to prove not leſs favourable to the intereſt of the landlord. The rent to be paid, ought always to be fixed at a determined proportion of the real or eſtimated annual produce of the ſoil; and this proportion being determined by the letter of the law, the application of that law to each particular caſe, ought to be committed to a jury from the neighbourhood, if either party ſo deſire.

Leaſes on improvement, as they are called, if conſidered according to the principles of natural equity, muſt be accounted altogether abſurd, and unjuſt; for they avowedly take from the farmer, as his cultivation advances, a ſhare of that increaſed produce to which his induſtry has given riſe, in order to beſtow it, on a landlord, who has contributed nothing at all to the improvement of the ſoil: yet in reſpect of expedience, they

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are to be regarded as among the beſt and moſt practicable compromiſes, which under that eſtabliſhment of land property which now obtains, can be brought about, between the exorbitant rights of the landlord, and the reaſonable expectations of the farmer. Various beneficial ſchemes of ſuch leaſes have been propoſed, and ſome carried into execution; yet great ſcope ſtill remains, for varying their form, and combining new ſtipulations in ſuch a manner, as that both parties may be intereſted in the progreſſive improvement of the ſoil. But the interpoſition of the legiſlature ſeems neceſſary in moſt countries, to render the landholders willing to give the preference to leaſes of this kind.

55. By the laws of many nations, a right of redemption (*jus retractus*) belongs to the ſuperior lord, or to the neareſt

neareſt of kin of the landholder, who ſells his eſtate. By this right, they are entitled to redeem the land ſold, at the agreed price, within a limited time, commonly twelve months after the bargain has been ſtruck; and ſo generally is this priviledge eſtabliſhed on the continent, that it has been conſidered as a branch of the law of nations.—Much more juſtice, and much more good policy would there be, in conferring ſuch a right on the tenants and cultivators of the lands alienated, if within a limited time, any number of them, not leſs than one-third part, could form a ſcheme, to be approved by the tribunals of juſtice, for purchaſing the eſtate among them, by advancing one half the price, or any other proportion required by law, and converting the remainder into reſerved rents. The public ought even in juſtice and in policy to come to their aſſiſtance in forming ſuch a ſcheme, and to advance

vance the money wanted, on proper ſecurity to have it repaid by gradual inſtallments, or converted into perpetual reſerved rents, which might again be ſold, at no great diſcount of that value which had been given for them.

56. Various occurrences in the political revolutions of government, have frequently ſtripped the antient proprietors of large tracts of land, and thrown the abſolute diſpoſal of theſe lands into the hands of the rulers of the ſtate: ſuch are the forfeitures uſually following on unſucceſsful inſurrections and conſpiracies, the ſubverſion of obnoxious aſſociations, as the Templars and Jeſuits; the diſſolution of the monaſteries, and the reformation of eccleſiaſtical eſtabliſhments in the north of Europe. The courtiers and grandees who have been enriched on theſe occaſions by the profuſion of their ſovereigns, might have been

been equally well gratified and attached, by the donation of ſeignorial rights and reſerved rents alone, and the property of the ſoil might have been all at once conferred on the cultivators, or rendered ſubject to the operation of a progreſſive Agrarian law; or indeed both regulations might have been made to take place at the ſame time; that is, the property might have been given to the preſent cultivators, but ſubject to future claims ariſing from the Agrarian law.

Such a diſpoſal of eſcheated or forfeited lands, may without regard to the encouragement of agriculture and the independence of the plough be recommended by policy of ſtate alone, as tending to intereſt the loweſt as well as the higheſt ranks in thoſe innovations, whether juſtly, or unjuſtly concerted, which the ſovereign is deſirous of having accompliſhed.

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Would not, it may be aſked, that great transfer of property made in Ireland by Cromwell, have been almoſt equally acceptable to his captains and officers at the time, had it been accompanied with a progreſſive Agrarian law? And would not the effect of ſuch a law, ſo applied, have ſhewn itſelf in the moſt beneficial manner to Ireland long before the preſent age?

Had the lands left vacant by the expulſion of the Moors been diſtributed in full property to cultivators only, might not even Spain have recovered in a few generations the effects of that ſevere wound?

SECT.

## SECTION III.

*Of Circumſtances which might induce the Rulers of a State to turn their wiſhes and endeavours towards the accompliſhment of ſuch a Change.*

57. SUCH occaſions and incidents, as thoſe before enumerated, which might be improved by the ſovereign, the legiſlature, or the real patriots of any country, for introducing by degrees, this important innovation, it being ſuppoſed, that they are before hand fully apprized of its great utility, and animated by a warm deſire of ſeeing it effectually eſtabliſhed for the advantage of the community.

Other occurrences and aſpects of affairs, tend to inſpire with ſuch generous deſires, either the ſovereign or ſome conſiderable bodies of men in the ſtate,

ſtate, capable of exerting powerful efforts in ſo laudable a cauſe, and with the deſire may communicate the hope alſo of being able to accompliſh ſome ſalutary changes of greater or of leſs importance, eſpecially, if the object to be aimed at, and the means by which it may be obtained, have been again and again ſtated to the public in a variety of ſpeculative views, and ſo rendered familiar to the underſtandings of men.

Internal convulſions have ariſen in many countries by which, the deciſive power of the ſtate, has been thrown, for a ſhort while at leaſt, into the hands of the collective body of the people. In theſe junctures, they might have obtained a juſt re-eſtabliſhment of their natural rights to independence of cultivation, and to property in land, had they been themſelves aware of their title to ſuch rights, and had there been any leaders, prepared to direct them, in the

mode of ſtating their juſt claim, and ſupporting it with neceſſary firmneſs, and becoming moderation. Such was the revolution in 1688, at which time ſurely, an article declarative of the natural right of property in land might have been inſerted into the Bill of Rights, had the people at large been before hand taught to underſtand that they were poſſeſſed of any ſuch claim.—Such alſo was the late convulſion in America, the favourable opportunities of which are not yet exhauſted; and whatever party ſhall hereafter in the agitations of any ſtate aſſume the patronage of the lower claſſes, in reſpect of this their moſt eſſential priviledge, may entertain confident hopes of being able by their ſupport, to obtain their own particular object of purſuit, while at the ſame time they eſtabliſh an arrangement of the higheſt importance to the general welfare of their fellow citizens.

58. Prin-

58. Princes ſitting on diſputed thrones, might, among other expedients for giving additional ſecurity to their poſſeſſion, conſider whether it would not prove of advantage, that the numerous claſs of cultivators were intereſted in their cauſe, by ſome well regulated communication of equal right; and on the other hand, the expelled candidate might not unwiſely ſeize the ſame occaſion of ſtrengthening his intereſt, and increaſing the number of his adherents, if it were left not pre-occupied by his more fortunate antagoniſt.

In ſuch caſes as theſe, when the minds of the vulgar are to be ſuddenly engaged, it is perhaps more expedient, not to propoſe a refined ſyſtem, having for its object the greateſt good that can be reconciled to the greateſt ſuppoſed equity, or to the general convenience of all; but to hold forth ſome ſtriking advantages to great bodies of men, who

may feel that they have a common intereſt, and are not incapable of being taught to act together in concert, for promoting it; to promiſe, for example, that every farm, as preſently poſſeſſed, ſhall be converted into a freehold, veſted in the farmer and his heirs for ever.

59. Difference of religious opinions, it may be hoped, will never again be made, as it has too often been, an occaſion of diſturbing the civil ſocieties of mankind; but if any reſpectable body of diſſidents, find themſelves obliged to contend with the rulers of their country for the rights and immunities of a juſt toleration; if the leaders of the ſect ſhall think proper to avow, and inculcate principles of civil policy, and juſtice, favourable to the rights of the lower claſſes, and to the independence of cultivation, they may be well aſſured of ſtrengthing their party thereby, of inſpiring their adherents

rents with more vigour and conſiſtency, and of obtaining in proceſs of time both the one and the other of theſe juſt and important objects of purſuit. Theſe objects they will attain the ſooner, and with more eaſe, the more cautiouſly they guard againſt the inſinuation of that levelling and fanatic principle which has ſometimes brought diſgrace in the firſt place, and final diſappointment in the end, on ſchemes wiſely conceived, or bravely undertaken for reſtoring the rights of mankind.

It is ſuppoſed by many intelligent perſons, that partly thro' the increaſe of infidelity, and partly from the prevailing moderation of wiſe men's opinions reſpecting diſputable tenets of religion, the eccleſiaſtical order have of late loſt much of that aſcendant, which they ſeem formerly to have poſſeſſed over the higher claſſes of men; ſo that in almoſt every country of Europe, under every form

of

of the chriſtian religion, their eſtabliſh-ments are either ſecretly envied and under-mined, or very avowedly attacked; and it may be apprehended that, a criſis of great danger to their temporal rights and privi-leges cannot be far diſtant. It might there-fore be accounted no unneceſſary provi-ſion for their own ſafety, and very li-beral policy with regard to the general intereſts of mankind, ſhould this re-ſpected order attach themſelves more par-ticularly to the inferior and laborious claſſes of men. Theſe humble ranks are always found docile and obſequious to religious inſtructors; and in juſtice to the ſimplicity of their native ſenſe and piety, let it be remarked alſo, that they are more ready to liſten with attention to rational and ſound doctrines, than to the extravagancies of enthuſiaſm or ſu-perſtition, if only the ſame zeal and aſſiduity is diſplayed by the teachers of both. It would not ill become the

miniſters of any church to aſſume the patronage of theſe men, (whoſe reliance and attachment will not fail to increaſe in proportion to the attention beſtowed on them), and to ſtand forth as the advocates of their natural rights, and the guardians of their independence, in oppoſition to the opulent, the luxurious, and the idle, who in too many reſpects domineer over them. It would not be unwiſe nor improper to connect thoroughly the intereſts of the eccleſiaſtical order with thoſe of the laborious poor, who ſtand perhaps more in need of the direction and guardianſhip of enlightened ſuperiors, than the mendicant poor themſelves, whom the church has in every country taken under her immediate protection. In moſt caſes, the mendicant poor would be ſufficiently provided for by the charity of thoſe very orders of men by whom the far more numerous claſs of laborious poor are oppreſſed.

That

That ſort of correſpondence, and co-operation, which might be denominated an alliance between the church and the plough, in ſubordination to the ſtate, would not only prove equally beneficial to both parties, but ſeems in the preſent ſtate of Europe, to have become neceſſary for the ſupport of their mutual intereſts.

60. Great public calamities and diſaſters may diſpoſe the rulers of a ſtate, however reluctant and averſe, to ſeek for the renovation of national vigour and proſperity, by thoſe meaſures which are to be accounted the only true ſources of ſtrength, opulence, and manly virtues; by cheriſhing the common people, bettering their condition, and exciting their induſtry, by ſuch chearful hopes and reaſonable expectations, as belong to their humble ſituation, and not by the hard preſſure of neceſſity, ſo often pre-

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poſterouſly and inhumanly recommended as the moſt effectual ſpur of induſtry, ſo often unhappily applied as ſuch.

Under circumſtances of recent public diſtreſs and humiliation, ſuch as the unfortunate iſſue of expenſive war, the loſs of commerce, and of foreign of dominion, even the higher and privileged ranks, awed into wiſdom and humanity by the impending gloom, may be inclined, to acquieſce in thoſe regulations which tend to renovate the whole body of the ſtate, tho' at the expence of diminiſhing in ſome degree the privileges and emoluments of their own order. They will conſider, that unleſs the numbers, the induſtry, and the manly temper, of the body of the people can be kept up, the fortune of the community muſt fall into continual and accelerated decline, and the privileges of every rank become inſecure. But if theſe eſſential foundations of public proſperity can be ſupported,

ſupported, and any increaſe of them, eſpecially of the laſt, can be procured, the loſs of military glory, of political rank and aſcendant, even of territory and eſtabliſhments, may be regarded with leſs regret, as the loſs of external appendages only, the plumes and trappings of national honour, which may be in due time recovered again, by the returning vigour of the community, if ſuch ought to be their endeavour, or deſire.

If in the mean time, commerce is reſtrained, and manufactures decline, let the cultivation of the ſoil be laid open on reaſonable terms, and without delay, to the people thus deprived of their uſual employment; ſuch a reſource, would indeed convert what they muſt account a misfortune, into an opportunity of finding real and natural happineſs and eaſe.

If

If colonies are loſt, it may ſeem more particularly requiſite to provide ſome new opportunities of ſettlement for the uſual emigration. If the facility of domeſtic eſtabliſhments, is preſented to their choice, that will not only prevent the turbulence of unſettled, diſcontented multitudes confined at home, but will apply their numbers, and call forth their induſtry for the augmentation of the public opulence and ſtrength.

61. Public dangers, eſpecially if not ſudden and tranſitory, but continual, as proceeding from the vicinity of powerful and ambitious neighbours, ought to produce in the rulers and the higher ranks of a nation ſo threatened, a ſimilar diſpoſition of recurring to the genuine ſources of public opulence and force.

What more effectual preparation can be made for the moſt vigorous defence of national liberty and independence, than

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to intereſt every individual citizen more immediately and directly in the welfare of his country, by giving him a ſhare in the property of the ſoil, and training him to the uſe of arms for its defence.—The firſt of theſe means of public ſecurity and defence, is ſcarcely leſs requiſite than the latter, the propriety of which is ſo generally underſtood.

A great ſtanding army, may be ſufficient for the purpoſes of ambition, and for carrying offenſive war into foreign ſtates, but if reſiſtance is to be made at home, and a prolonged defence to be maintained againſt a more powerful invader, the diſcipline of ſtanding forces, however perfect, muſt be combined with, and ſuſtained by the zealous patriotiſm of a militia.—The King of Pruſſia, beſet by hoſtile powers, naturally ſuperior in ſtrength, has ſet the firſt example of a military eſtabliſhment modelled on this plan; an example which

which deſerves to be imitated, and will not fail to be ſo by every potentate in the ſame perilous ſituation.—The time ſeems to be not very far diſtant, when Britain herſelf muſt truſt no longer with entire reliance to her wooden walls, even in time of peace, but muſt keep in continual array, a land army proportioned in ſome degree to thoſe of the continental powers. Even the greater powers themſelves, by the continual augmentation of their ſtanding armies, with an intention of invading others, approach ſtill nearer and nearer to the eſtabliſhment of a diſciplined militia, as they continually increaſe the proportion of ſoldiers to unwarlike citizens; and when they begin to perceive that they themſelves are at laſt in danger of being invaded in their turn, by the powerful confederacies of neighbours, whom ſeparately they have inſulted or held in terrour, they will then haſten to adopt the

thewhole plan, in the ſame manner as theſe neighbouring powers have already done. Thus, that continual augmentation of diſciplined ſtanding armies throughout Europe, which the friends of liberty and of mankind regard with ſo much anxiety and diſtruſt, ſeems to tend to an ultimate ſtate of advancement, in which every ploughman will be made a ſoldier, and almoſt every ſoldier remain a ploughman; a ſyſtem, very favourable, no doubt, to the happineſs and virtue of mankind, and more particularly of the lower claſs;—a fortunate and deſirable effect, which it may be hoped will ariſe from ſo very ſuſpicious a cauſe, as the reſtleſs ambition of monarchs. Whenever this ſtate of things is brought near to its maturity in any country, there will be wanting only one regulation to realize the fancied virtues and happineſs of primeval ages, tho' without that ſuppoſed perpetual tranquillity which ſeems not

not very conſiſtent with the higheſt felicity of mankind. That regulation is, that every individual thus accuſtomed to the uſe of arms, and of the inſtruments of tillage, ſhould be made proprietor of the field which he cultivates.

It is of ſmall importance, whether in this progreſs, the ſtate has begun with the eſtabliſhment of a militia, and afterwards trained that militia to the exact diſcipline and ready array of ſtanding armies; or what is more new in practice, and may be more willingly adopted by monarchs, beginning with a ſtanding army has proceeded gradually to extend its compaſs, and the rotation of military ſervices exacted, until, almoſt all thoſe perſons are comprehended, who would belong to the plan of a militia eſtabliſhed in the uſual form, without however detaching them from their ruſtick labours, or interrupting that eſſential induſtry, in any great degree; ſtill the

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ſame union of the military character with that of the peaſant might be accompliſhed, in the greater number of the people, in nearly the ſame courſe of time; ſtill the ſame facility and expediency will ariſe, of communicating to each of this majority of the citizens, a competent ſhare in the real property of the ſoil.

62. The ſtate of a nation overwhelmed with debt furniſhes the moſt urgent motives to induce all claſſes of men, willingly to recur to thoſe meaſures and ſchemes by which the amount of the public ſtock may be moſt effectually, and moſt expeditiouſly increaſed: among theſe ſchemes, the encouragement of improving agriculture, and the increaſe of an induſtrious population by means of independent ſettlements muſt be allowed to ſtand foremoſt.

It

It is indeed the landed property of the nation that is ultimately and ſolely engaged for all national debts: every other ſpecies of property may be concealed, transferred, or withdrawn, when the demand for payment is apprehended. It is therefore to be wiſhed, for the ſecurity of public credit, and for facilitating the borrowing of money on good terms, when neceſſity requires that expedient to be purſued, that property in land were exceedingly divided; ſo that every perſon of the leaſt conſideration for property of any other kind, for induſtry, or for talents, had a ſhare.

In that ſtate of public affairs which renders the continual accumulation of national debt indiſpenſable, it becomes even the intereſt of the great landholders, that ſuch a diſtribution of property in land ſhould take place, and that every member of the ſociety, ſhould if poſſible have a ſhare; that ſo every member may be rendered reſponſible for the public debt, and

may have, though in an inferior degree, the ſame ſort of intereſt with regard to it on every emergency, which theſe great landholders have.

Such general diſtribution of property in land, eſpecially if the public creditors were for the moſt part, proprietors of land alſo, and in ſome proportion to the property, poſſeſſed by them in the funds, would tend to unite in a great degree the intereſts and views of the debtors and creditors; and ſo prevent the danger of any ſudden great convulſion, and the perplexities which might attend a temporary ſtoppage of payment. It would give at the ſame time the higheſt facility of employing the whole ſtock and force of the ſociety in great and uſeful enterprizes, when ſuch preſented themſelves, without neceſſarily entailing oppreſſive taxes on a future age.

In order to eſtabliſh, or at leaſt to approach nearer to this the moſt perfect

ſtate

ſtate of public credit, certain regulations might be introduced with happy effects, in a well conſtituted monarchy; and perhaps without exciting diſcontent, eſpecially, if any ſalutary Agrarian law had been eſtabliſhed, or a pretty general diſtribution of landed property been by any other means previouſly obtained. It might be enacted, that at fixed periods, a certain conſiderable portion of the national debts ſhould be divided among the landholders, in proportion to their property in land; not obliging them to pay off their proportion of the debt, but merely to advance the money for paying it off, and ſo to become themſelves the creditors of the public (inſtead of being debtors to the public creditors) and to receive the intereſts, which they formerly paid.

It may be accounted a ſervice which the ſtate is well entitled to require from the proprietors of land, in

return for their being ſuffered to engroſs the whole original value of the ſoil, that when the public is over-loaded with debts, not imprudently contracted, they ſhould be obliged not indeed to pay thoſe debts, but to come forward and interpoſe their private credit in ſupport of that of the public; and to take their chance of ſuch payment of annual rents or capital, as the public may afford to make. Such an occaſional partition of the national debt, muſt be acknowledged to be altogether conſonant to juſtice, in thoſe nations, where the repreſentatives of the proprietors of land have alone conſented to, and authorized the contracting of ſuch incumbrances.

At leaſt it ſeems probable, that whatever meaſures may at any time be adopted for diminiſhing the public debts of a nation, or for preventing thoſe convulſions, which on critical emergencies

cies may ariſe from the competition between the intereſts of borrowers and lenders, ſubjects of the ſame ſtate, all ſuch meaſures would be greatly facilitated, by the minute partition of property in land, and a general diſtribution of it among the whole body of the people.

SECT-

## SECTION IV.

*Of Public Inſtitutions, calculated for promoting a gradual and ſalutary Change in the ſtate of Property in Land.*

63. AS a ſubſidiary help to all thoſe regulations which might be deviſed for promoting the proſperity of the lower claſſes, and in particular, the independence of the plough, it would not ill become the wiſdom of an attentive government, to appoint a ſpecial Board, intruſted (under ſtrict account) with the management of conſiderable ſums, to be applied for this eſſential purpoſe, in the following or any other plan of like effect:

To purchaſe ſuch eſtates expoſed to ſale, as might be had at a reaſonable value

value (ſuppoſe from twenty-five to thirty years purchaſe) and to divide them into ſmall farms of a ſingle plough only, to be given off in perpetual property for a full reſerved rent.—The loſs that would be incurred in this tranſaction, might be greatly diminiſhed by ſelling off theſe reſerved rents, with all the privileges of a landlord, to perſons deſirous of the beſt ſecurity without the trouble of managing a land eſtate. The purchaſer to have a right of diſtraining the produce of the ſoil, together with collateral ſecurity on the funds of the Board, and the ſame facility of transferring his property at any time, and ſuddenly, by an aſſignation in their books, which the proprietors of ſtock in the public funds of Britain now have. With theſe advantages, it may be preſumed, that ſuch reſerved rents, would be purchaſed eagerly by the timorous and the indolent, and probably ſell at an advanced value,

ſo as to reduce the loſs on the whole tranſaction, to two or three years purchaſe money of the eſtate. The money thus refunded, to be immediately employed in ſimilar purchaſes; in making which, eſtates of a large extent, inhabited by a numerous and poor peaſantry, ought to be preferred to others of equal rent roll. Eſtates ſituated in iſlands, or along the ſea coaſt, might likewiſe deſerve preference; becauſe, for the ſake of navigation and fiſheries, it concerns the intereſts of the community at large, that the common people in inſular or maritime ſituations, ſhould be brought into that ſtate which is moſt favourable to their increaſe of population, and their thriving.

As the operations of ſuch a Board would tend to enhance the value of land, when brought to ſale, the eſtabliſhment it may be thought would be acceptable

ceptable enough to the great body of landholders.

To ſuch a Board might be committed the office of furniſhing to the tenantry of eſtates expoſed to ſale, ſuch aſſiſtance as they might ſtand in need of, to enable them to complete their ſchemes of a joint purchaſe, founded on their right of redemption.

To the ſame board might likewiſe be committed the inſpection of all lands, deviſed and aſſigned to hoſpitals, univerſities, and any other public or charitable foundations, with a view to prevent that private abuſe and peculation, which too generally take place in the management of ſuch funds, when they are in a flouriſhing condition, and more than ſufficient for carrying into execution the original intention of the founder. In theſe caſes, the Board having firſt laid a ſatisfactory proof of ſuch redundance before the

the ſupreme tribunals of juſtice, ſhould be authorized to interfere, and to turn this ſuperfluity to the greateſt advantage of the public, by dividing the lands belonging to ſuch foundations into ſeparate allotments of a ſingle plough each, and giving them away in complete property for a reſerved rent.

The charitable foundations of one age may become ſuperfluous, nay pernicious in thoſe that follow, as the numerous hoſpitals and alms givings of the Italian cities are juſtly conſidered as no ſmall obſtruction to the induſtry of their common people; and for various reaſons, it cannot be unfit, that the legiſlature of every country ſhould exerciſe a conſtant and ſupreme control, over all ſuch eſtabliſhments; yet directed by a ſcrupulous obſervance of the original intention of the founder, excepting, where it is no longer fit that theſe intentions ſhould be fulfilled;

fulfilled; in all which caſes, the produce of the funds ought to be religiouſly applied to thoſe public uſes, and charitable occaſions which it may be ſuppoſed the munificent ſpirit of the founders would have diſpoſed them, had they lived in the preſent times, to patroniſe and prefer.

That bill which was brought into the Britiſh Parliament ſome years ago for enabling the governors of hoſpitals, and the truſtees of other charitable foundations, to place in the public funds the eſtates intruſted to their care, ſeems to have been meant as a very gentle attempt to apply the redundant opulence of ſuch eſtabliſhments, to the ſupport of public credit, and the general advantage of the ſtate.—It was an attempt intirely conſonant to the beſt principles of national intereſt, and of legiſlative ſuperintendence, nor could that vehement diſlike by which the bill was rendered

dered abortive, have ariſen ſolely, from public conſiderations, unleſs inflamed by the patronage of jobbing and ſecret peculation.

64. It is not wholly in vain, that premiums have been diſtributed for the encouragement of various improvements in agriculture and the arts. Great effects cannot be expected to reſult from them, but a general notification at leaſt is made to the public of thoſe things, which ſpeculative men of enlarged views, conceive to be moſt advantageous and practicable. Trials made in different places, and under a variety of circumſtances enſue: and examples are exhibited, by which, the advantages and diſadvantages of the propoſed improvements, are ſubjected to general examination, in almoſt every corner; and other methods perhaps are ſuggeſted, more profitable on the

the whole, or better adapted to particular ſituations.

Trials and examples it is preſumed are alone wanting to recommend the general participation of property in land, to the favourable opinion and wiſhes of all ranks of men. In ſuch examples, the landholders might perceive how ſmall a part of their priviledges and emoluments need to be given up, for promoting this, the greateſt public good of the community, and what new advantages will ſpring up in compenſation for thoſe relinquiſhed.—The rulers of nations might perceive how much they are like to increaſe the numbers, and improve the character and virtues of their people; and the common people themſelves, can from ſuch examples alone be taught to know, what improvement their humble condition may receive, and with what ardour they ought to endeavour to attain it.

With

With a view to produce ſuch examples in different parts of a wide country, the ſame plan might be adopted, which in matters of far leſs importance has been purſued with no inconſiderable ſucceſs. A great premium, either honorary or lucrative, might be held forth, to the nobleman or commoner, of a certain ample fortune, or poſſeſſing land eſtates of a certain great extent, who ſhould within ten years eſtabliſh the greateſt number, not leſs than two hundred cultivators, ſettled in farms, from twenty to forty acres, held in freehold; or by leaſes of long duration, three or four different forms of which might be propoſed, as equally admiſſible.—Leſs conſiderable premiums, yet ſuch as only the treaſury or the public honours of the community could furniſh, might be offered to perſons of different inferior degrees of eſtate, for proportional eſtabliſhments. Since ſuch rewards, and ſuch marks

marks of public approbation have been held forth for the cultivation of the beſt ſorts of grain, and other profitable crops, why ſhould it accounted prepoſterous to appoint ſuitable premiums, if ſuch can be found, for rearing and increaſing the beſt ſort of citizens, that virtuous and laborious claſs of men, of whom the ſevere Roman has ſaid with delight, that they are *viri fortiſſimi—milites ſtre-nuiſſimi—& minime male cogitantes?*

SECT-

## SECTION V.

*Of ſuch examples and beginnings of Reformation, as might be expected from the generous efforts of private Perſons acting ſingly.*

65. THE private intereſt of the landholders thoroughly underſtood, and purſued on enlarged plans, might incline them, to adopt the ſame ſchemes of ſmall farms, and leaſes of long duration, which appear to be ſo eminently favourable to the great intereſts of the community. This expedience, is more particularly apparent, in thoſe large eſtates which are not in hazard of being brought to market every other generation, but may be expected to paſs, as they have already done, from one age to another in the poſſeſſion of the

the ſame family. On ſuch eſtates, leaſes on improvement may be introduced ſtill more beneficial to the intereſts of the proprietor's family, than to thoſe of the cultivator's, yet even to them far more eligible, than any leaſe of a leſs permanent tenure. But if the preſent proprietor cannot be induced, for the ſake of diſtant advantages to his family, and the general proſperity of thoſe who are employed in tilling his eſtate, to diveſt himſelf, or his immediate ſucceſſors, of all power of renewing leaſes; ſtill, great advantage might ariſe from an arrangement which would keep a certain proportion of the farms, as every third or fourth farm up and down the eſtate, on leaſes of very conſiderable duration; theſe, when they fell to be replaced by others, ſo that the proportion ſhould be ſtill the ſame. Theſe permanent and valuable leaſes would tend to bring about the accumulation of ſtock on the eſtate,

and the eſtabliſhment of wealthy farmers, by whoſe younger ſons, or other relations, it might be expected, that advanced rents would be given for the adjoining farms, even on leaſes of much ſhorter duration.

The Engliſh landholders, ſeem to deviate more from their own, and from the public intereſt, by the preference they give to farms of large extent, than by any unwillingneſs to grant leaſes of conſiderable duration. The ſaving of expence in repairs, ſeems in general to be their inducement, and that very eſſential article, ought to be regulated, no doubt, and might perhaps without difficulty be regulated in a better manner. Might not the conditions of the leaſe be ſo adjuſted, as to give the tenant an intereſt in keeping down the expence of repairs, and ſeeing them well made, and without delay.—Might not the houſes on his farm, (and theſe neither too large nor too many,)

many,) be delivered to him at his entry by appretiation, to be received in the ſame manner at the expiration of the leaſe; he receiving payment for any increaſe of value within a ſtipulated extent.

66. The deſire of tranſmitting their eſtates to a long ſeries of deſcendants, ariſes very naturally in the minds of men, who have enjoyed ample poſſeſſions under the protection of a well conſtituted government: and may within certain limitations deſerve to be countenanced and promoted by the wiſeſt legiſlature. It might be entitled however to more praiſe, as proceeding from a liberal ſpirit, and to more countenance of the laws, as highly favourable to the general welfare, if, inſtead of ſecuring ſuperfluous opulence to one favoured line of repreſentatives, the plan of ſuch a ſettlement in tail, had for its object, to

diffuſe a moderate competency among a numerous tribe or family of deſcendants, and to provide, that no one of the whole race ſhall be reduced to penury, but thro' their own extravagance, or indolent diſpoſition. Both theſe intentions might be combined in the ſame ſcheme, by ſecuring the preſent rent of the entailed eſtate to the lineal heir, at all events, and giving at the ſame time to all other deſcendants of the entailor, or of his anceſtors, a right when any leaſe fell vacant, (the leaſes not exceeding three lives) to claim poſſeſſion of it in full property, at the laſt rent; or at the old rent, with the chance of being expoſed to future claims of other deſcendants, regulated on the principles of the progreſſive Agrarian law: theſe claims being to take place, only, after all the farms of the eſtate had been given off by the firſt rule of entail, each to a particular

ticular deſcendant of the entailor or of his anceſtors.

Thoſe perſons who having no near relations, or none worthy of their inheritance, are led to beſtow their eſtates on hoſpitals, and other public uſes, might obviate the murmurs of their remoter kindred, and the ungenerous inſinuations to which the memory of ſuch public benefactors is ſometimes expoſed, by making ſuch a proviſion as this, in favour of perſons deſcended from the ſame anceſtors with themſelves.

67. In every opulent ſociety, there is gradually produced a conſiderable fund, which accumulates from time to time in the hands of beneficent and charitable perſons, and is ready to be applied, chiefly in the way of legacy and bequeſt, to the more urgent wants and occaſions of the community, and to ſupply what the revenue of the ſtate cannot be made

to

to reach, or what its attention has overlooked. Churches, monaſtries, univerſities, bridges, and hoſpitals of various kinds, have ſucceſſively become the objects of this well intended munificence, in Europe, and correſponding foundations, have in like manner engroſſed it among the nations of the Eaſt. In ſome countries theſe objects are ſo fully provided for, that the bountiful ſtream of donations ſeems almoſt to have ceaſed to flow: but the defect is apparent only, not real; the public wealth continuing the ſame, the charitable fund will continue the ſame alſo, if new and worthy objects are preſented to its bounty. Hereafter, perhaps, in enlightened nations, the independence of the plough, may be numbered among theſe objects, as worthy to partake of ſuch beneficent endowments, after the demands of ſickneſs, of declining age,

and

and deferred infancy have been in ſome reaſonable meaſure provided for.—In ſuch a country, he who would have bequeathed his eſtate to a hoſpital, had hoſpitals been wanted, may think of dividing it, in the firſt place, into freehold allotments of a ſingle plough each, and bequeath the revenue thence ariſing, to be applied at certain periods, to the purchaſe of other eſtates, to be portioned out in freehold in the ſame manner.

68. Nor ought it to be ſuppoſed, that ſome ſpecimen of this equal property in land, ſome example of what good effects it might produce in a narrow diſtrict, is too great an effort to be expected from the ordinary liberality of private men, poſſeſſed of ample fortunes. He who poſſeſſes ſix or eight manors, cannot be thought to deprive even his remoteſt poſterity of any great ſhare of their inheritance, ſhould he at the preſent

ſent time divide one at leaſt of theſe manors, into ſmall farms of a ſingle plough, aſſigning each of them in perpetual property to the cultivator, for ſuch rent as he would conſent to give for this perpetual right. Or were this one manor rendered ſubject to the options of a progreſſive Agrarian law, the right of claiming ſettlements, being reſtricted to perſons born on other manors of the eſtate, ſuch an inſtitution could not fail to operate as a premium in raiſing the value of the eſtate. —But honour alone, and the conſcious ſatisfaction of having made a public ſpirited and laudable attempt, would more than compenſate to men of ſuch ample fortunes, the loſs that may be ſuppoſed to ariſe from ſome diminution of a rent roll.

In certain nations (though not in Britain) the Princes of the blood, are poſſeſſed of revenues equal to thoſe of ſovereign

ſovereign ſtates, without any civil or military eſtabliſhment to maintain; and ſhould they even neglect the ſplendour of their retinue, and of their domeſtic court, ſtill, the public reverence would wait on the dignity of their exalted birth. Among theſe men, placed in an intermediate ſituation between ſovereigns and ſubjects, exempted from the claims that are made on the firſt, and from the family wants of the ſecond, it might be expected, that liberal and illuſtrious ſchemes, conducive to the good of mankind, might find patrons worthy of them, whom the neceſſity of a great expence, would animate rather than deter. Men of noble minds might rejoice in the occaſion of expending their great revenues on ſome more dignified object, than that frivolous luxury in which they are uſually waſted; they might rejoice in the occaſions of diſtinguiſhing themſelves from the vulgar herd

herd of ſubordinate Princes, whom the ſentiments of mankind rate only as a ſort of furniture, pertaining to the ſtate appartments of a great monarch's court.

SEC-

## SECTION VI.

*Of ſuch examples and beginnings of Reformation, as might be produced by the combined endeavours of private Perſons.*

69. THE concurrence of liberal purpoſes with the power of carrying them into execution, is too rarely to be met with in particular men: It is probable however, that in proportion as this important object ſhall be attended to, canvaſſed, and more generally made known, great numbers in various countries will perceive that they are intereſted in having it elucidated by experimental trial; and what the wealth of individuals cannot afford to attempt, the joint contribution of conſiderable numbers (as in many ſimilar caſes) if expended on judicious plans, may accompliſh with eaſe.

70. Many

70. Many ſocieties are inſtituted in various parts of Europe for the encouragement of agriculture; but to promote it, by the moſt effectual of all means, the independence of the plough, ſeems far too arduous an undertaking to be purſued by them even in the way of trial and experiment alone, and far beyond the limits of their finances. Yet, the hearts of liberal men are apt to expand in proportion to the greatneſs of the objects which preſent themſelves; and the enthuſiaſm aroufed by engaging in ſchemes of the higheſt importance, not without difficulty, is likely, above all things, to increaſe the numbers, the vigour and influence of theſe very laudable aſſociations.

SECT-

## SECTION VII.

*Of a progreſſive Agrarian Law, which might be made the baſis of all partial and occaſional Reformation reſpecting Property in Land.*

71. IF in any nation of Weſtern Europe the ſovereign were deſirous of introducing a ſyſtem of property in land, wholly conſonant to natural juſtice, and favourable to the greateſt happineſs of the greateſt number of citizens; and if in this undertaking, he found himſelf under no neceſſity of paying reſpect to the prejudices and intereſts of the preſent landholders, or any other body of men whatever, he would take for his leading object to increaſe the number of independent cultivators, and to bring into that favourable ſituation as great

great a number of citizens as the extent of his territory would admit. In the accompliſhment of which purpoſe, he might ſee cauſe to enact a ſtatute, not very different from the plan delineated in the following articles :

I. That every citizen aged twenty-one years or upwards, may, if not already in poſſeſſion of land, be entitled to claim from the public a certain portion, not exceeding forty (*a*) acres, to be

ANNOTATIONS.

(*a*) Or ſuch extent of ground as may be cultivated to advantage by one ſmall plough, and the ordinary family of a peaſant, which may be ſuppoſed a huſband, wife, and three children of various ages. This may be called the ſtandard farm, and ought to vary in its extent according to the ſtate of the country. In countries little cultivated and thinly inhabited, it ought to be large, (which does not exclude ſmall options) to encourage the cultivation of new land, by thoſe who are poſſeſſed of ſome conſiderable ſtock ; where the country is well ſtocked with inhabitants, it ought to be ſmall, that each may have a ſhare. Thus two hundred acres may be no improper

be aſſigned him in perpetuity, for reſidence and cultivation, in the manner, and under the conditions hereafter ſpecified.

II. That the claimant ſhall have right to chooſe the ſituation of his allotment on any farm, freehold, or uncultivated common, within his own pariſh, if the ſame be not excepted by the other proviſions of this law. If there be no unexcepted land in his own pariſh, he ſhall have right to chooſe in any of the pariſhes contiguous to his own; and if in theſe there be no unexcepted land, he ſhall have right to chooſe throughout the whole diſtrict or county (*b*).

III. This

improper ſtandard in North America, from ſixty to twenty in Europe; in Holland, Egypt, and Bengal, from ſix to two, which laſt is conſiderably larger than the original ſtandard of antient Rome.

(*b*) If in any pariſh there have been no claims made for ſeven years, and yet unexcepted land remain,

III. This allotment ſhall be ſet apart, and its landmarks fixed by the magiſtrate with the aid of an aſſize, or of arbitrators choſen by the parties. It ſhall be marked out in the manner moſt convenient for both the old and new occupier: it ſhall approach to a ſquare, or ſome other compact form; one of its ſides ſhall run along the boundary of the old farm; and it ſhall have communication with ſome road already patent.—None of theſe circumſtances to be departed from without the conſent of both parties.

main, all perſons even from other counties may enter their claims there. The tendency of theſe reſtrictions is to diffuſe the benefits of this law, together with the inconveniencies which may attend it, equally over the whole ſtate. Perhaps a better regulation might be, that cultivated lands ſhould be open to claims, only one year in ten, but uncultivated lands always, and to the claims of all perſons within that county, or from any other county in which the uncultivated lands were already appropriated in ſmall allotments.

IV. The

IV. The ground thus ſet apart, ſhall be ſubmitted to the cognizance of an aſſize (*c*) or of arbitrators choſen by the parties, who ſhall determine what reſerved perpetual rent the claimant muſt pay to the landlord (*d*), and what

(*c*) Perhaps ſome additional precautions might be requiſite in the manner of conſtituting the aſſize — It ought to conſiſt wholly of perſons verſed in agriculture, and if poſſible one half landlords, the other claimants, or rather if that could be had (as after ſome years it eaſily might) the whole to conſiſt of perſons who have already got the ſtandard farm and no more.— Yet each party might be allowed to demand a reference to arbitrators rather than an aſſize; theſe arbitrators to be choſen by the parties, and paid after a certain handſome fixed rate.—This would induce ſome capable perſons in every ſmall diſtrict to diſtinguiſh themſelves for honeſt and fair dealing in this line of buſineſs.

(*d*) The right of the landlord can only extend to the improved value of the ſoil; for he may ſtill retain a farm of the ſtandard extent, which is to be ſuppoſed in all caſes at leaſt equal to his natural ſhare of the ſoil. It might be difficult however for an aſſize or arbitrators to ſeparate the original from the improved value of the allotment to be given off, and if they find an equivalent for both, no great injuſtice

what temporary rent to the former tenant (if any) in compenſation of their rights.

V. The following farms are to be exempted from all ſuch claims:—Every farm from which if the allotment claimed,

will be done the claimant, provided the landlord remains alone liable to the land tax, with all its additions: an equivalent for both they can eaſily find, as it muſt be no other, than a reaſonable rent for the ground, on a ſhort leaſe of ſeven or ten years only; for that which might be accounted a reaſonable rent for a longer leaſe, would comprehend an equivalent for ſome part of the improveable value; to which according to the principles aſſumed, the proprietor can have no right.

The claimant ought to have his option of paying a reſerved rent, or a ready money price.—The firſt will commonly be his choice, but if not, the landlord may not be obliged to receive more than one half the value in ready money price.—The reſerved rent ought to be aſcertained not in money, but in the ſtaple produce of the country, in juſtice to the landlord, who ought alſo to have a right of diſtraining in the moſt effectual manner for his ſecurity.—The claimant ought further to ſhow, that he is able to ſtock his farm in a proper manner, or that he is poſſeſſed of three times the reſerved rent in goods, or in caſh.

claimed, is taken away, leſs than forty acres will remain to the firſt tenant. The farm or park belonging to the lord of the manor, the ſame bearing a regulated proportion only to the extent of his eſtate. Every farm of whatever extent that has not been ten years occupied by the preſent tenant. Every farm whoſe arable ground has been diminiſhed one half, by claims founded on this law, ſhall be exempted for twenty years to come, if the tenant ſo deſire. All farms of barren ground, taken for the ſake of improvement, under ſuch forms, and limitations, as may prevent the colluſive evaſion of this law.

VI. In caſe the claimant is not contented with the rent affixed to his allotment, he ſhall not be obliged to hold it, but to pay the occupier twice the amount of any expences incurred

by him. If the former occupier is not contented, a new *(e)* valuation may be obtained by him, he defraying all the expences that may attend it. ——Every ſuch claimant may make four options and no more. If he has made two within his own pariſh without holding, he cannot make a third there, but may make his remaining two in the contiguous pariſhes, or in the diſtrict at large, as he ſhall chuſe. *(f)*

VII. The

(*e*) Might not the former occupant or landlord, if he has any perſonal objection to the claimant as a neighbour, be entitled to ſubſtitute another in his room, on the ſame terms? In which caſe this attempt ſo diſappointed, ought not to be reckoned as one of the claimant's options.

(*f*) The number of options is limited chiefly in order to prevent vexation of the landholders in the beginning, when the number of claimants muſt be very great. But perhaps there is greater danger of the landlords contriving in every ſtage to defeat the juſt pretenſions of regular claimants.

VII. The perſon thus acquiring property ſhall continue to reſide upon his farm. He ſhall have right to tranſmit it to his heirs or aſſignees in full property, or under a reſerved rent, but ſhall not have nor tranſmit the right of alienating it with reverſion, i. e. of letting it, or any part of it, in leaſe——If he ſells it to another, who ſhall not reſide upon, but annex it to ſome other farm, one tenth part of the price or of the reſerved rent, ſhall belong to the public. *(g)*

VIII. The lands acquired in this manner, ſhall not be tranſmitted by will, but according to the eſtabliſhed rules of ſucceſſion to landed property, the original lord of the manor being *ultimus hæres*.

(*g*) The farm thus annexed ſhall be exempted from any new claim for forty years. But no perſon ſhall accumulate more than four ſuch farms, nor ſhall he who has alienated two farms in this way have right to make any other option at all.

*heres*. The father however may chooſe to which of his ſons the farm ſhall devolve.

IX. No allotment ſhall be united to another by ſucceſſion (*h*). The perſon who has right to two in this way, ſhall make choice of one of them, and that which he relinquiſhes ſhall paſs to the next heir. By marriage they may be united during the lives of the parties, and of the longeſt liver, but to be ſeparately inherited by two of their heirs.

X. It ſhall not be lawful to break down any ſuch allotment in order to divide it among children (*i*), until in any county the uncultivated lands are wholly

(*h*) This does not obſtruct the increaſe of eſtates, by the accumulation of reſerved rents to any extent.

(*i*) Some doubt may be entertained of this article, as the allotments are not limited by any minimum, below which they muſt not fall.

wholly exhauſted; at which time, a new ſtandard of farms ſhall take place, of ſix or eight acres, ſuited to the ſpade culture; and allotments within that county may then be broken down by will, purchaſe, or otherwiſe to that ſtandard.

XI. The property acquired in theſe allotments ſhall not carry along with it any right of common of any ſort in the commons, moors, woodlands, private roads, or other appendages of the manor, excepting only in the neareſt well and watering pond, and in the bog or common for turf, if that is the feuel of the country: this his laſt right to be regulated by the uſages of the manor, as if the allotment had been given off in leaſe only. Neither ſhall any uſe, preſcription or connivance, ever in courſe of time, procure the holder of ſuch allotment, any right of common

mon that is not founded on, and aſcertained by expreſs compact (*k*).

XII. Thoſe who are in poſſeſſion of farms, at the time of enacting this law, ſhall not be entitled to get any part of their farms converted into freehold by its operation, until by the option

(*k*) The acquiſition of ſuch rights would render the future aſſignation of ſettlements more difficult and complicated;——beſides it ought to be a leading principle in every plan of reformation, reſpecting property in land, that the preſent poſſeſſions of landholders, having been acquired *bona fide*, under the protection of eſtabliſhed laws, ought not to be diſturbed or broke in upon, except juſt ſo far as natural juſtice, and the greateſt good of the whole abſolutely require, and no farther: from whence it will follow, that the perſons who are by this ſtatute reſtored to their natural claims, ſhall not be allowed to claim, or poſſeſs, even for a time, any more than the preciſe extent of ſuch natural claims; while on the other hand thoſe who are previouſly poſſeſſed of more than their juſt and natural right may be permitted to hold it, until ſuch time as a ſpecial claim founded in natural juſtice, and aſcertained by this ſtatute be ſet up againſt their poſſeſſion.——The actual poſſeſſions of landholders are in part congruous to natural equity, and in part not;

option of other claimants, theſe farms be reduced to an extent of leſs than ſixty acres (*l*).

XIII. All who acquire property by the operation of this law, ſhall be obliged to perform double ſervice in the militia of their country.

XIV. In every competition that may ariſe, orphans, and thoſe that have ſerved in the army or navy, ſhall be preferred to all others, and to one another

not: even in thoſe parts of their extent, which are not congruous to natural equity, no change is to be made; until a particular claim founded in that natural equity, require ſuch change to be made.—— On the other hand, in thoſe parts of their poſſeſſions which are congruous to natural equity, viz. the right to improved value, ſuch changes as the general good may require, are to be made, in the manner of holding or occupying their poſſeſſions; a juſt equivalent, being however given them for their rights, and poſſeſſions themſelves.

(*l*) No injuſtice is done to the farmers by this reſtraint. They are already in poſſeſſion of land on terms which they thought not ineligible; it will prevent their entering into cabals, to retard the progreſs of the law, and to obſtruct the breaking down of

another according to the number of years they have ſerved, or the early age at which they have been left orphans.

XV. Every perſon who has acquired an allotment of land in this manner, ſhall pay to the lord of the manor, certain aids and ſervices of a feudal nature, ſo regulated, as to produce that degree of connexion and dependence which may be expedient for preſerving order, and ſubordination in the country, without danger of giving riſe to oppreſſion and abuſe (*m*).

72. Such

of their farms by ſuch claims; they will be rather concerned to promote a progreſs, which enables them the ſooner to convert into property, the moſt convenient part of their farm, that to wit, which lies neareſt to their reſidence.

(*m*) It is not impoſſible to deviſe ſuch regulations, and though not abſolutely neceſſary, they may prove beneficial in ſome degree——ſuppoſe for example, that on the death of any lord, the vaſſals paid one year's rent to his ſucceſſor—— that on the death of a vaſſal, one year's rent was remitted by the lord —that

72. Such might be the general outlines of a ſtatute which from the nature of its operation would not improperly be called a progreſſive Agrarian law. Other more ſimple plans might no doubt be adopted by a ſovereign, having the power, and the inclination above ſuppoſed.—Many ſuch might be propoſed, by any of which the preſent ſtate of landed property in Europe might be very much improved, and rendered more conſiſtent with natural juſtice and the beſt intereſts of the greater number; yet far leſs improved, than might be expected from the eſtabliſhment of a progreſſive Agrarian law, the plan of which ſeems to comprehend the following

—that during the minority of their lord, the vaſſals paid one-tenth more rent, and during the minority of a vaſſal one-third was remitted—that the batchelor vaſſals paid one-tenth additional rent, the batchelor lord received one tenth leſs—that the vaſſal having eight children was exempted from the one-tenth of his rent, having twelve from one fourth.

lowing advantages over every other Agrarian law, that has been attempted or propoſed.

1. It tends to unite the real benefits of that levelling ſcheme which was the avowed object of the Greek and Roman Agrarian laws, and which the peaſants of Europe, in a frenzy excited by oppreſſion, have ſometimes ſeemed to aim at; with the known advantages of unequal fortunes, and the free accumulation of real property; excluding at the ſame time, the greater evils that attend on each.
2. That its operation muſt proceed gradually and gently, under the regulation of two principles, the one acting as an accelerating force, *viz.* the demand of the lower ranks for independent ſettlements, the other acting as a retarding or reſtraining force, *viz.* the inconvenience which the preſent occupiers, at any given period of time, muſt undergo.

undergo.——The oppoſite intereſts of theſe two claſſes of men, this law tends to compromiſe, on a plan the leaſt unjuſt to the former, and the leaſt incommodious to the latter, according to the circumſtances of the country at every ſucceſſive point of time, with all the variations of which circumſtances, the operation of this law will of courſe vary.

3. That it provides for the eaſy gratification of that propenſity ſo natural to mankind, to fix their ſettlements as near as may be to the places of their birth, and to extend themſelves *de vicino de vicinum*, chiefly, like the trees of the foreſt.

4. That it reduces no citizen to the alternative of renouncing his inclination or his right. If he does not incline to become a cultivator, or a huſbandman, he is not therefore deprived of all opportunity of becoming ſo, when change

change of circumſtances, or of his choice, ſhall ſo diſpoſe him; when that time comes, he has free admiſſion to an equal ſhare of the ſoil of his country. Proviſion however is made, that whoever in the mean time has occupied that ſhare ſhall not be diſpoſſeſſed of it, with any circumſtances of inconvenience, nor without a juſt compenſation for labour beſtowed, and improvements made. In order to aſcertain the amount of this compenſation, recourſe is had to the beſt expedient which the ſtate of human affairs will permit, an expedient which in ſimilar caſes has been employed and found adequate.

5. That it may be ſo adjuſted as to confer ſuitable and effectual encouragement on the marriages and increaſing progeny of the lower claſſes of men; not merely honours, exemptions, and prizes, which can fall only to the ſhare

ſhare of a few, but real eſtabliſhments proportioned to their increaſing wants, and conſiſting of the ſubject of induſtry, and the means of ſubſiſtence.

6. That by very eaſy variations it may be accommodated in a great meaſure to the municipal laws of any country, and the intereſts of any prevailing order of men, ſo as that very conſiderable and important branches of it, if not the whole, may be engrafted on the eſtabliſhed ſyſtem, whatever that may be, without any apparent violence, or much danger of exciting diſcontent.

73. There are three articles with regard to which theſe variations for adapting the progreſſive Agrarian, to eſtabliſhed ſyſtems and prevailing intereſts, may require to be made.—The lands which are made liable to claims of allotment. —The perſons to whom the right of making

king ſuch claims is given.—The nature of the right acquired in the allotments thus aſſigned.

1. Natural juſtice, and the greateſt good of the whole community would require, that all lands whatever, ſhould be ſubject to theſe claims, until the whole country were divided into farms not exceeding the eſtabliſhed ſtandard. But this not being practicable, except in a few rare caſes, and on ſuch occaſions as a new ſettlement, or an abſolute conqueſt——it might be expedient in moſt countries, to reſtrain theſe claims to uncultivated lands alone, or to the foreſts and demeſnes of the crown, either of which, would prove of great public utility. This Agrarian law might be eſtabliſhed with regard to commons in general, reſtricting the right of making ſuch claims, on each ſeparate common, to the children of

thoſe

thoſe who have a right of common in the ſame. A regulation perhaps not impracticable in England.

In almoſt every country there are ſome claſſes of men, who tho' they are allowed to poſſeſs property in land, are yet not reckoned to ſtand on the ſame footing with the bulk of the community, nor admitted to any ſhare of government or legiſlative power. Such is the ſituation of Proteſtants in Roman Catholic, and of Roman Catholics in Proteſtant countries. Might not ſuch a ſtatute be enacted in its full extent, with regard to the lands of theſe proprietors? Might it not be enacted in its full extent with reſpect to lands, whoſe proprietors are ſubjects of a foreign ſtate? of which there are frequent inſtances on the continent, and in moſt caſes, theſe lands are ſubjected to double taxes, or other burthens, far leſs equitable, than any detriment that might be

incurred by the proprietor, from the operation of this law.

The eſtates of abſentees of a certain deſcription, and ſtill more, the lands which at any time devolve by forfeiture to the public, might be made liable to ſuch an Agrarian; the right of making claims on theſe eſtates, being confined to natives of the ſame county or diſtrict.

If great proprietors are allowed to eſtabliſh perpetual entails, in oppoſition to the public intereſt, it ought only to be on condition of rendering their eſtates ſubject to ſuch an Agrarian in its whole extent; by which, the public detriment ariſing from the entail, would be fully compenſated, without defeating the private intention (which is in itſelf laudable enough) of rendering a great family permanent.

Even Jews, might be permitted, without alarming any prejudice whatever, to

purchaſe-

purchaſe lands in any country, ſubject to the regulations of this Agrarian law in favour of chriſtian cultivators, and without that ſort of dependance which is pointed out in the laſt article of the plan.

2. Natural juſtice and the greateſt good of the community would require that every man, arrived at the years of maturity, ſhould have ſuch a right.—It might however, without detriment, perhaps with advantage, be limited to thoſe who are married; and might perhaps require at its firſt commencement to be limited to thirty-ſix or thirty-two years of age, in order, to prevent too ſudden a diminution of the number of day labourers, and hired ſervants; this ſtandard age, however, ſinking gradually, one year at a time, once in the two years, until reduced to twenty-one.

However impracticable, or inexpedient it may be in moſt countries to extend this priviledge to all perſons whatever of the legal age, there are in every country certain uſeful and privileged claſſes, to whom it might be willingly enough communicated by the legiſlature, as (1.) thoſe who have ſerved a certain time in the army. This regulation might be eaſily admitted in Pruſſia, Auſtria, all over Germany, and indeed Europe in general; (2.) thoſe who have ſerved a certain number of years in the fleets, or on board the trading veſſels of their country. The prevailing eagerneſs for acquiring commerce and maritime power, might well recommend ſuch encouragement to this claſs of men every where. In moſt countries, they make but a ſmall proportion of the community, and where that proportion is large, there they are moſt highly valued and cheriſhed by the ſtate; (3.) the ſons and ſons in law of clergymen in proteſtant

teſtant countries might be thought entitled to this privilege, if at any time reduced to the neceſſity of claiming it; (4.) the peaſant who has eight children alive, or ſix before he is thirty years of age, might be entitled to it in all countries; (5.) and ſo might thoſe who have been left orphans in their nonage, the daughters when married conveying this privilege to their huſbands.

3. As to the nature of the right acquired in the allotments of land;—according to natural juſtice, it ought in all caſes to be a perpetual tenure; but if this may not be obtained in all, it ought at leaſt hardly ever to be departed from when uncultivated lands are allotted to the claimant. If the lands have been already cultivated, a long leaſe may ſuffice; and if they are fertile, that leaſe may be ſomewhat ſhorter, but ought in no caſe to fall below thirty-one years, with a life.

life. On the expiration of every ſuch leaſe, the tenant ought to have an option of renewing it again, on paying an additional proportion of rent, as one-ſixth, or ſuch new rent as an aſſize may affix; but if that affixed rent ſhall not exceed the old one in a certain proportion, as one-tenth, the tenant ought in that caſe to forfeit his right of renewing the leaſe.

By ſuch variations may the principles of a progreſſive Agrarian law be accommodated to the eſtabliſhed inſtitutions of various countries; and juſtly may it be affirmed, that there is no country under the ſun, which might not derive great increaſe of proſperity from adopting one or other modification of ſuch a law. Certain forms of this law might indeed be propoſed, ſo ſimple in themſelves, ſo little inconvenient to the preſent landholders, and yet ſo beneficial to the lower claſſes of men, that no good reaſon could be aſſigned, why they

they ought not to be univerſally eſtabliſhed in all parts of the world. Suppoſe for example, that a petition were offered by the parties concerned, to any European legiſlature, requeſting with due reſpect, the eſtabliſhment of the following regulation :—That ſoldiers, ſailors, orphans, ſhould be entitled to make claims of uncultivated lands within their pariſhes and counties, on the boundaries of eſtates only, without acquiring any right of common, and to be poſſeſſed for forty years and a life rent, under ſuch annual payment as an aſſize or arbitrators ſhould determine to be the preſent annual value of the ſoil.—What good reaſon could be offered for refuſing ſo juſt a requiſition? and were it flatly refuſed, what reaſon would there be to heſitate in pronouncing that legiſlature, whether monarch or ſenate, tyrannically oppreſſive, and unfaithful to the firſt objects of a ſovereign's truſt? But as in all parts of Europe

rope the good of the people, and the protection of the indigent and deſerving, are held forth by governments as the pretexts of that authority which they aſſume, it could not well happen, that ſo modeſt, ſo reaſonable a requeſt, would be rejected in any country whatever: nor could it fail that the introduction of this very circumſcribed form of a progreſſive Agrarian law, by ſhewing an example of its advantages, and making known, alſo, the very inconſiderable amount of the inconveniencies inſeparable from it, (which while unknown, may be dreaded too much) would make way for its reception on a more extenſive plan, as communicating the right of making options to various other claſſes of men, and in the cultivated as well as the barren lands of the ſtate.

74. It would furniſh the matter of a very intereſting enquiry, to examine what

what particular modifications of ſuch an Agrarian law might be accounted more eſpecially ſuitable to, and moſt likely to find ready admittance in various countries, with whoſe municipal laws we are acquainted; and what peculiar branches of ſuch law might be adapted to various conjunctures which have occurred, or may perhaps occur in different ſtates.—North America has lately enjoyed an opportunity of new modelling the eſtabliſhment of landed property, even to theoretical perfection. Among the fundamental laws of their new conſtitutions, a well regulated Agrarian ought to have found a place, and might have remained unreſcinded by the articles of any auſpicious coalition with the parent ſtate; none of whoſe pretenſions, could be ſuppoſed to be infringed by the internal arrangements of ſuch a ſtatute. Nor is that opportunity, tho' not obſerved in the great criſis of their fortune, wholly

wholly loſt to countries, where almoſt every citizen is annually admitted to vote for his repreſentative, in a legiſlative aſſembly, every member of which repreſents nearly an equal number of the people at large.

The whole landed property of Bengal, and the other provinces, which our Eaſt India Company has acquired, is now abſolutely at the diſpoſal of that company, and of the Britiſh government. No nobler opportunity, no equal fund for exhibiting to mankind, the illuſtrious pattern of a juſt and equal eſtabliſhment of landed property, was ever, by any conjuncture thrown into the hands of a ſet of men very capable of perceiving wherein the beſt uſe of ſuch an occaſion would conſiſt. By making a proper uſe of it, and by the firm eſtabliſhment of a beneficial landed property, ſome reparation might yet be made to that unhappy country for ſo many wrongs, and ſome teſtimony

teſtimony might be born, amid ſo many ambiguous appearances, to the antient honour, and equitable diſpoſition of the Britiſh nation; and what may be more directly regarded, an additional ſecurity might thereby be provided for the permanency of our acquiſitions in that part of the world. To eſtabliſh a juſt ſyſtem of landed property, and to ſecure it by introducing the trial by jury, are perhaps the only innovations which Britain ought to make in the antient inſtitutions of Indoſtan.

The ſituation of Ireland during the peaceable years of the preſent reign, might perhaps have encouraged the legiſlature of that country, to eſtabliſh ſome conſiderable branches of an Agrarian law, (had it been ſuggeſted) in the eſtates of the catholics; theſe regulations might have been ſo deviſed, and ſo promulgated, as to operate more effectually in attaching the common people

ple of that perſuaſion, than in diſguſting the great proprietors.

It ſeems not unlikely that the proprietors of extenſive grazings, in the ſouth of Ireland, might be more eaſily reconciled to the eſtabliſhment of ſuch an Agrarian, than the holders of arable eſtates to the ſame value, may be hoped to be:—as theſe proprietors of grazings, have ſo few people on their wide domains, they would not be ſo ſenſible as other landholders, to the loſs of influence, and that degree of dominion over men, which is no doubt, one of the principal charms of landed property. Their rents might probably be increaſed by the innovation, for ſurely the free produce of the ground might be greater under alternate tillage and grazing, than when kept perpetually in graſs. Suppoſing however, that their rents were only kept up, (which they ought to be at leaſt) they could have little averſion to a few

few independant ſettlements, on the frontiers of their extenſive eſtates; or if they had ſuch averſion, they could not apprehend, that in parts of the kingdom ſo thinly peopled, the increaſe of theſe ſettlements would advance very faſt.

In the preſent doubtful ſtate of that country, * it is ſuppoſed, that the volunteer corps, who have taken up arms for obtaining a free trade; are for the moſt part compoſed of perſons who might derive advantage from equitable regulations of property in land. Should theſe men come to apprehend their own intereſt in that point, and ſhould they think of inſiſting on the eſtabliſhment of any ſuch regulations, in favour of themſelves, and their poſterity, or for the community in general, would not their preſent aſcendant enable them to accompliſh this deſire, if not carried to any intemperate extreme? Would not

* September, 1780.

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this be a much more important object, and more worthy of their generous enthuſiaſm, than that almoſt nominal independance on Great Britain, which they appear at preſent ſo eager to obtain? Is it not at the ſame time the intereſt of Great Britain, that their ardour ſhould take this direction,—for avoiding the threatened conteſt,—for increaſing the common ſtrength in the moſt effectual manner,—for diverting the induſtry of Ireland, from an immediate rivalſhip in manufactures, which notwithſtanding all ſuppoſitions to the contrary, is very juſtly to be dreaded by Great Britain.—Had the minds of men been prepared in any degree for thinking with freedom on the ſubject of landed property, and could the times have admitted of any hazardous delay, it might have been reckoned very liberal policy, in the Britiſh miniſter to have undertaken the patronage of the Iriſh common people againſt

gainſt their own parliament and land-holders, and then at leaſt, when he promoted the bills relative to freedom of trade, to have annexed to them, conditions of regulation for landed property, by which the freedom of agriculture might have been eſtabliſhed at the ſame time.

It is only in purely democratical governments, of which there are very few, or in unlimited monarchies, during the reign of a ſovereign, endowed with ſuperior wiſdom and capacity, that any ſudden or effectual reformation of the abuſes of landed property can be expected. Of all the abſolute princes who have reigned in Europe for many ages, none has appeared ſo well qualified as the preſent King of Pruſſia, for conceiving and carrying into execution, in the beſt and moſt genuine form, any great and ſingular project of this nature. Had the idea of reforming the conſtitution of landed property

property preſented itſelf to his mind, in the earlier part of his reign, or had it been ſuggeſted by any of the philoſophers whom he called around his throne, that penetration with which he diſcerns, and that royal patriotiſm with which he ſteadily purſues the real advantage and ſtrength of his ſtate, together with the native generoſity of his ſentiments, muſt without doubt, have attached him very ſtrongly, to a ſcheme ſo magnificent, and ſo beneficial. And however difficult the execution might have proved to other princes, it is plain, that no material obſtacle would have preſented itſelf, to that high authority, wherewith this monarch is accuſtomed to regulate, and to change the moſt reſpected eſtabliſhments of his kingdom. It may be deemed no ſlight confirmation of the preceding ſpeculations, that this ſagacious prince, although it does not appear that he has ever entered into any theoretical

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inveſtigation, concerning the nature and juſt extent of the right of landed property, has in fact, practically adopted ſome of thoſe maxims, which ſuch inveſtigations tend to eſtabliſh. No object is ſaid to engage his attention more than the protection of peaſants from the power of their lords. Amid the rigour of a military diſcipline, by which his armies are rendered ſuperior to any that the world has ſeen elſewhere, every native Pruſſian ſoldier is accuſtomed to the domeſtic engagements of a citizen, and the induſtrious economy of a farmer or artiſan; and during peace, one half or two-thirds of them are diſmiſſed to the cultivation of the fields, or other induſtrious occupations, for nine or ten months in the year.

Poſterity will probably applaud this happy combination, and the very ſimple plan by which it is accompliſhed, above all thoſe manœuvers of the parade, and of

the field, which his contemporaries are ſo proud to imitate.—As for the landholders, ſo little is he influenced by partiality to them, or any apprehenſions of their diſcontents, that he actually levies a tax of thirty-three per cent, (and in the caſe of noble tenures more) on the real not the ſuppoſed rents of their eſtates.—Is not this treating them, (in conformity to that idea of their juſt rights formerly ſuggeſted) as merely truſtees or bankers for the public, to the full amount of the original value of the ſoil?

75. Still it muſt be acknowledged, that after ſetting aſide all objections ariſing from the intereſt of landholders, and the prejudices of eſtabliſhed opinion, there are not wanting others of a general nature, which may be oppoſed and not without ſome appearance of foundation, to the eſtabliſhment of a progreſſive

Agrarian

Agrarian law. That uncertain and fluctuating ſtate into which all poſſeſſion of land, beyond the ſtandard farm, will be thrown, may be apprehended to prove extremely unfavourable to any ſpirited and vigorous cultivation, which is chiefly to be looked for in extenſive farms. In the plan of a progreſſive Agrarian, more than one clauſe is calculated to moderate this fluctuation; greater force may be given to theſe; and new clauſes of correſponding effect may be added. It might be provided, for example, that none but barren and uncultivated lands ſhould be open to claimants at all times; cultivated lands only one year in ſeven, or any longer period that may be thought requiſite for the ſecurity of cultivation; neither indeed ought uncertainty of poſſeſſion, to damp very much the ſpirit of improvement, while the improver is ſtill ſecure of an adequate reward for

the pains he may have taken; and that reward is to be aſſigned him by the verdict of an aſſize;—at the worſt, in proportion as the ſpirit of improvement may be damped in extenſive farms, it will be encouraged and excited in the ſmaller, where poſſeſſion and full property is rendered ſecure; and in theſe, improvements being carried on, under the immediate continual inſpection, and almoſt by the hands of the improver himſelf, they will be accompliſhed with more economy, that is, with more advantage to the public, and to individuals, than commonly happens in extenſive undertakings of this ſort.

The diſcouragement of eſtabliſhed manufactures, and the increaſe of litigious contention, are in like manner objections, which muſt be admitted to a certain extent; yet not to that degree as to be accounted national calamities, or to equiponderate the obvious and great

advantages

advantages like to ariſe, from a due regulation of landed property.

It cannot be ſuppoſed that any great number of men, educated to manufactures, and accuſtomed to the practice of mechanic arts, will be withdrawn from their reſpective trades, even by the free opportunities of engaging in independent agriculture: but a competition will take place, with reſpect to the riſing progeny of the preſent race, and if the greater number ſhall attach themſelves to agriculture, it need not be regarded as any detriment to the public; ſince, the number of citizens remaining the ſame, they will be employed in a way which they themſelves prefer, and probably to the advantage of their health, and of their manners.

With whatever violence the increaſe of litigation may break forth, in conſequence of regulations ſo new, ſo important, and not a little complicated, the

the duration of that evil, cannot be very laſting. In a few years, doubtful caſes will be cleared up; and precedents of extenſive application will be eſtabliſhed: and whilſt the attention of judicatories, and of clients, is engaged in ſettling theſe new points, the influence of other cauſes, by which litigation is commonly produced, will be in ſome degree ſuſpended.

As for the beneficial effects of ſuch a ſtatute, the candid and intelligent are requeſted to eſtimate in their own thoughts, what theſe might prove in the diſtrict with which they are moſt particularly acquainted: and to conſider whether it would not very much improve the condition, and the proſpects of the day labourer, the hired ſervant, and the working manufacturer; without impoſing on the eſtabliſhed farmer, or the landlord, any unjuſt or even any conſiderable inconvenience? Whether it would not

leſſen

leſſen the number of the indigent and the idle, and ſo reduce the rate of that tax by which the rich are obliged to maintain them? Whether it would not tend to promote cultivation and the fertility of the ſoil, to favour the increaſe of population, and to improve the manners and virtues of the great body of the people? After having made this eſtimate, let them conſider what might have been the preſent ſtate of that diſtrict, had ſuch a progreſſive Agrarian law, or any capital branch of that ſtatute been eſtabliſhed there one hundred, or even fifty years ago.

ADDITIONAL

# ADDITIONAL

# OBSERVATIONS,

## Relative to certain Heads of the foregoing Eſſay.

[*The figures refer to the numbers prefixed to the paragraphs.*]

THE bulk of mankind in every country, are ignorant of the difference between their own laws, and thoſe of other nations; too ignorant to underſtand, and to value aright what is truely excellent in their own code, or to perceive what improvements it may ſtill admit, and what innovations ought to be deſired. In no article are they more ignorant than in reſpect to property in land, the eſtabliſhed rules of which are in every country accounted permanent and immutable, as being fixed by the deſtination of nature.

In moſt countries the proprietors of land will ever retain a more than equitable authority over thoſe who cultivate their fields, and not unfortunately for both,

both, did they not but remember that the ſituation of a proprietor is more allied to that of a prince, than that of a merchant; and requires ſome degree of thoſe generous ſentiments, and that benign demeanour, which ought to adorn the higheſt ſtation.

It cannot be denied, that all over Europe, thoſe who are employed in cultivating the ſoil, lead a very wretched life; and that it ſeems very practicable to render their condition much better than it is, without rendering that of their landlords and ſuperiors any worſe.

It cannot be doubted, that much more beneficial eſtabliſhments of property in land, than thoſe which obtain in Europe, or almoſt any that are known to have obtained elſewhere, may be deviſed; and are capable of being inſtituted, and receiving form and conſiſtence from human laws.

The preſent ſyſtem of property in land, is not adapted to times of commerce, order, and tranquillity, but to warlike and turbulent ages, when the entire dependance of great bodies of men on their leaders, and the confidence of leaders in their reſpective bands, was requiſite for their common ſafety.

In the preſent advanced ſtate of induſtry, ſecurity, and commerce, the relations and ties which aroſe out of this mutual dependance, with all their concomitant pleaſures and advantages, are unknown; and

and the landholder, who now abuſes that power wherewith an obſolete eſtabliſhment has inveſted him, to the exacting the laſt farthing his lands can produce, and effectuating in combination with others, a monopoly of that valuable and neceſſary commodity, is, tho' perhaps he knows it not, of all citizens the moſt pernicious. He reaps the greateſt emoluments from the inſtitutions of ſociety, and contributes leaſt to the increaſe of plenty, or preſervation of order.

It were unjuſt to cenſure the proprietors of land, however, for retaining and exerciſing, as they do, a right whoſe foundations have not been enquired into, and whoſe extent no one has ever yet controverted. It is the ſituation in which they find themſelves placed, that prompts their conduct, nor can they readily conceive, either the injuſtice or the detriment which the public ſuffers, by permitting ſuch rights to be exerciſed. On the other hand, the farmers and cultivators have no clear perception of the injuſtice and oppreſſion which they ſuffer. They feel indeed, and they complain, but do not underſtand, or dare not conſider ſteadily, from what cauſe their grievances take their riſe. The oppreſſive rights of the one order, and the patient ſubmiſſion of the other, have grown up together inſenſibly from remote ages, in which the preſent ſtate of human affairs could not be foreſeen.

" God

" God gave the earth (2) in common to all " men, but ſince he gave it for their benefit, and " the greateſt conveniences of life they were ca- " pable to draw from it, it cannot be ſuppoſed that " he meant it ſhould always remain common and " uncultivated. He gave to the uſe of the induſ- " trious and rational; and labour was to be his " title to it." (Mr. Locke on government, page 167 of Mr. Hollis's edition). Nor yet that it ſhould be appropriated in ſuch a manner, as that when not more than half cultivated, the farther cultivation and improvement ſhould be ſtopped ſhort, and the induſtry of millions willing to employ themſelves in rendering the earth more fertile, ſhould be excluded from its proper field, and denied any parcel of the ſoil, on which it could be exerciſed, with ſecurity of reaping its full produce, and juſt reward.

Even in thoſe countries (13) where the extenſive rights of the proprietors of land, are moſt firmly eſtabliſhed, and guarded, as in Britain, by laws which they themſelves have framed, the magiſtrate when any public occaſion requires it, as in conducting new roads, canals, and ſtreets, building bridges and fortifications, obliges the proprietors, for a reaſonable compenſation, to part with as much of the ſoil, as may be requiſite for the intended works.—There is nothing wanting to complete the proſperity of Europe, but a rule, or familiar

miliar method, according to which the landholders may be made, for a like compenſation, to part with ſuch portions of the ſoil, as are wanted from time to time, for the accommodation of particular citizens, deſirous to employ their induſtry and their ſtock in the cultivation of the earth, with full ſecurity of reaping the due reward.

It would be unjuſt to aſſert (15) that the landholders have premeditated and intended to effect this oppreſſion of the cultivators, ſo injurious to that order of men, and ſo little profitable to the landholders themſelves; it would be a miſtake to ſuppoſe that it has been accompliſhed by any concerted plan of iniquity and fraud. No, it is the courſe of things, that has brought it gradually forward: the natural ſubmiſſion of dependents has been inſenſibly enforced to this degree; the cultivators have not been ſufficiently, aware to protect their own right; ſtill leſs has the ſovereign power been attentive to protect the moſt uſeful order of men in the ſtate.

If it be aſked (20) what is the moſt natural ſtate of human kind; it may be replied; that in which the whole tribe or race approach near to one common ſtandard of comelineſs and ſtrength, without any mixture of deformed, dwarfiſh, or mutilated individuals. In other ſpecies of animals, this is always found to take place in their natural ſtate.

If

If we would aſcertain, whether the ſlaves of antiquity were more or leſs happy, than the modern artiſans, manufacturers, cottars, and men of various degraded ranks and vocations, abounding in great cities, we ought to enquire whether they degenerated as perceptibly, and became as dwarfiſh and deformed, as the races of theſe men become.

That nation (24) is greatly deceived and miſled, which beſtows any encouragement on manufactures for exportation, or for any purpoſe, but the neceſſary internal ſupply, until the great manufactures of grain and paſturage are carried to their utmoſt extent. It can never be the intereſt of the community to do ſo; it may be that of the landholders, who deſire indeed to be conſidered as the nation itſelf, or at leaſt as being repreſentatives of the nation, and having the ſame intereſt with the whole body of the people.

In fact, however, their intereſt is in ſome moſt important reſpects, directly oppoſite to that of the great body of the community, over whom, they exerciſe an ill-regulated juriſdiction, together with an oppreſſive monopoly in the commerce of land to be hired for cultivation.

The encouragements granted to commerce and manufactures, and ſo univerſally extolled, ſeem merely ſchemes deviſed for employing the poor, and finding ſubſiſtence for them, in that manner which may

may bring moſt immediate profit to the rich: and theſe methods, are, if not deliberately, at leaſt without enquiry preferred to others, which might bring greater advantage to the body of the people directly, and ultimately even to the rich themſelves.

The fields around every gentleman's ſeat (26), are cultivated in a better manner, and raiſed to a higher degree of fertility, than thoſe of the adjacent farms, becauſe they have been for ages cultivated by the proprietors of the ſoil: in them is ſeen to what degree of fertility the whole cultivable lands of any country may be brought, were every field in like manner cultivated by its proprietor.

There is no natural obſtacle to prevent the moſt barren ground from being brought by culture, to the ſame degree of fertility with the kitchen garden of a villa, or the ſuburbs of a great town. An attentive application of the natural manure of the fields may effect it in a long courſe of time: the plentiful and judicious uſe of extraneous manures, the great fund of which in the limeſtone quarries and marl pits of the earth, cannot be exhauſted, will accompliſh it in a much ſhorter period: but the preſent care, and the ſecure intereſt of a proprietor is required for both.

With a view (26) to depreciate the public credit and reſources of this nation, it has been obſerved, that

that England has almoſt no uncultivated land to be improved. But the author * of that obſervation knows well, that four-fifth parts of the cultivated lands of England are cultivated in a very imperfect manner, and may be yet raiſed to a fertility twice if not three times as great as that which they preſently have.—This is a fund, to which the wiſdom of the nation may ſometime have recourſe, and by which the induſtry and internal wealth of the community may be ſupported, even in the worſt extremities; nor can it be torn from us but with the independance of the ſtate.

An unlimited property in land ought not to be poſſeſſed by any citizen; a reſtricted property in land cannot be communicated to too great a number.

That high proſperity which ſome ſtates have attained, by the encouragement of manufactures, and the proſecution of commerce, on enlarged and liberal principles, has become of late the object of emulation, perhaps of envy to others, ſo that all civilized nations are now impatient to become manufacturing and commercial in their turn. Yet before the example was ſet, no one had apprehended the poſſibility of exciting ſo much active induſtry, nor the important effects it was to produce in the great ſyſtem of Europe.

* Dr. Franklin, in a paper circulated in 1777.

Hereafter

Hereafter perhaps ſome fortunate nation will give the example of ſetting agriculture free from its fetters alſo, and of introducing a change in that department of induſtry, ſimilar to that which has been accompliſhed in manufactures, and commerce, by the diſſolving of monoplies, and removing obſtructions and reſtraints. A new emulation will then ariſe among the nations haſtening to acquire that ſtill higher vigour and proſperity, which the emancipation of the firſt, and moſt uſefull of all arts, cannot fail to produce.

The progreſs of agriculture (25) will more readily excite the activity of manufactures, and carry that branch of national induſtry to its proper pitch, than the progreſs of manufactures will carry agriculture to its moſt proſperous ſtate, though each it muſt be confeſſed has a reciprocal influence on the other.

In certain countries manufactures ſeem to have advanced beyond their proper pitch, and begin very ſenſibly to affect the race of people, and their manners

Notwithſtanding the great progreſs which agriculture has made in England, ſtill greater remains to be made: though regarded by foreign nations, as an example worthy of imitation, it remains for

Britain ſtill to ſurpaſs the beſt examples hitherto given.

The chief obſtacle to rapid improvement of agriculture, is plainly that monopoly of land, which reſides in the proprietors, and which the commercial ſyſtem of the preſent age has taught them to exerciſe with artful ſtrictneſs, almoſt every where.

Cultivation by ſlaves, (26) by villeins, and by *metayers*, have ſucceeded one another all over the weſt of Europe. In England, even the laſt of theſe is totally worn out, and has given place to cultivation by farmers, whilſt in France, two third parts of the land is ſtill cultivated by *metayers*, and in Germany, Hungary, Poland, and Ruſſia, a yet greater proportion is ſtill cultivated by villeins, and ſlaves. In all theſe ſucceſſive changes, the landholder has ſtill found his advantage in communicating to the occupier of the ground, a greater and greater degree of ſecurity in his poſſeſſion, and the public proſperity has kept pace with this good adminiſtration of the landholder's private eſtate.——England perhaps owes that power and luſtre, by which ſhe ſurpaſſes other nations, chiefly to her having preceded them in the proſecution of theſe changes. Ought it not therefore to be tried whether the landholder may not ſtill further improve his own intereſt, as well as the public good,

good, by purſuing the ſame line a little farther, and communicating ſtill greater ſecurity and independance to the cultivators of his fields.

No impracticable Utopian ſcheme can be ſaid to be ſuggeſted, in propoſing, that property in land ſhould be diffuſed to as great a number of citizens as may deſire it: that is only propoſing, to carry ſomewhat farther, and render more extenſive, a plan which the experience of many ages has ſhown to be very practicable, and highly beneficial in every public and private reſpect.

It is the oppreſſion of the landholders and their agents, which has ever been the bane of Europe, more than even the oppreſſion of the moſt arbitrary governments; and the abſence of this more cloſe and prying oppreſſion, renders the deſpotic governments of the Eaſt not intolerable to their ſubjects. However numerous and powerful that body of men, by whom this oppreſſive right is preſently exerciſed, it may in the courſe of ages be reduced within proper limits, as other exorbitant invaſions of the common rights of men have ſometimes been.

For what reaſon (30) is the money-holder prohibited from taking the higheſt intereſt, or premium, which he can bargain with the borrower to give? chiefly, that he may not thus have it in his power to damp the active ſpirit of commerce and of in-

duſtry, by levying too high a tax on the means by which it is to be exerted. Why then ſhould not the landholder be reſtrained from taxing at too high a rate the means of exerting that ſort of induſtry which is of all others the moſt eſſential to the community; and is even neceſſary for the ſalutary occupation and beſt condition of the greater number of its members? In reſtraining the intereſt of money, the legiſlatures of moſt countries have not feared to impoſe a check on the free enjoyment of the reward of induſtry in its moſt recent form; for that reward in its firſt accumulation, and neareſt to the ſources, conſiſts always of money, to be lent out at intereſt, which is afterwards converted into property in land.

All other kinds of property, (30) as that of the money-holder in his caſh, of the inventor in his inventions, even that of the writer in his books, are limited and regulated, by the conſideration of what is ſuppoſed to tend to the greateſt public utility: why ought not then the property of the landholder in his lands, which is the moſt extenſive and moſt important of all, to be ſubmitted to reſtrictions of the ſame tendency?

Much praiſe (30) has been beſtowed, and not unjuſtly, on the advantages of that free circulation and ready commerce, which is now eſtabliſhed in moſt countries

countries of Europe. It is indeed extremely favourable to the induſtry of men, and to the proviſion of a ſupply for all their wants, that whoever poſſeſſes ſkill, art, or diligence of any kind, may find the materials whereon to exerciſe his talents at a moderate price; and may bring the produce of his labour to a free market.

This freedom is enjoyed completely by every ſort of mechanick, manufacturer, and artiſt, excepting only the cultivator of the ground, who is of all others the moſt eſſential artiſt to the welfare of the community.—He indeed in many countries may now bring his produce to a free and open market, but he cannot ſo eaſily find the rude materials of his induſtry at a reaſonable price:—For he is confined in his enquiry and choice, to that narrow diſtrict of country with which he is acquainted, and even to the ſmall number of farms that may happen to fall vacant about the ſame time with his own: in this narrow diſtrict, a monopoly is eſtabliſhed againſt him in the hands of a few landholders; in this reſpect his ſituation is much inferior to that of the artiſt, who can go to a cheap market wherever it is found, and can bring his rude materials from a great diſtance to his home; but the cultivator muſt carry his home to his rude materials when he has found them.

In

In another more important reſpect, the condition of the cultivator is ſtill worſe: every other artiſt when he has purchaſed his rude materials, becomes ſole proprietor of them for ever, and whatever ſkill or diligence he beſtows in improving or refining them, whatever additional value he gives them, no other perſon has any right to the whole or to any part of it. It is rarely, indeed, that the cultivator can purchaſe his materials on ſuch terms; the fields he has improved, he muſt ſurrender at a fixed period, and cannot ſeparate the improvements he has made to carry them away with him. Is he not nearly in the ſtate of a borrower of money, who after thirty-one years certain poſſeſſion of the ſum borrowed, paying regularly a large intereſt, ſhould be obliged to refund the capital, and to pay along with it whatever he had gained by the uſe of the money, and had not thought proper to ſpend in his daily ſubſiſtence?

Would it not at leaſt be fair, that if the cultivator cannot purchaſe his rude materials in perpetual property, he may be permitted to carry off the additional improvement he has made; or (if that cannot be ſeparated from the original ſubject,) entitled to require ſome equivalent for its value.

The monopoly (33) poſſeſſed by landholders, enables them to deprive the peaſants not only of the due reward of induſtry exerciſed on the ſoil, but of that alſo which they may have opportunity of exerciſing in any other way, and on any other ſubject; and hence ariſes the moſt obvious intereſt of the landholder, in promoting manufactures.

There are diſtricts in which the landholder's rents have been doubled within fifty years, in conſequence of a branch of manufacture being introduced and flouriſhing, without any improvement in the mode of agriculture, or any conſiderable increaſe of the produce of the ſoil. Here, therefore, the landlords are great gainers, but by what induſtry or attention have they earned their profits? How have they contributed to the progreſs of this manufacture, unleſs by forbearing to obſtruct it? and yet from the neceſſity under which the manufacturing poor lived, of reſorting to theſe landholders to purchaſe from them the uſe of houſes and land, for the reſidence of their families, they have been enabled to tax their humble induſtry at a very high rate, and to rob them of perhaps more than one half of its reward.

Had the manufacturers of ſuch diſtricts poſſeſſed what every citizen ſeems entitled to have, a ſecure home of their own, had they enjoyed full property in their lands, would not then the reward of their induſtrious

induſtrious labour have remained entire in their own hands?

The monopoly (33) of rude materials, indiſpenſably requiſite for carrying on any branch of induſtry, is far more pernicious than the monopoly of manufactured commodities ready for conſumption. The monopoly poſſeſſed by landholders is of the firſt ſort, and affects the prime material of the moſt eſſential induſtry.

This monopoly indeed cannot be ſaid to take place in any country, until the age of military ſuite and ſervices be paſt, and the reign of law and of order well eſtabliſhed. Till that time the landholder ſtands no leſs in need of brave and ſtrong men to aſſiſt and defend him, and attached to his intereſt, than theſe men ſtand in need of cultivable ſoil on which their induſtry may be exerciſed in the intervals of tumult, and from which the ſubſiſtence of their families may be procured. Each party therefore having a commodity to traffick, of which the other ſtands in need, the bargain will be made on equitable terms.

What is it that (34) in England reſtrains the early marriages of the poor and induſtrious claſſes of men? Alas, not the marriage act, but a ſyſtem of inſtitutions more difficult to be reformed; eſta-

bliſhing

bliſhing in a few hands, that monopoly of land by which the improveable as well as the improved value of the ſoil is engroſſed. It is this which chiefly occaſions the difficulty of their finding early and comfortable ſettlements in life; and ſo prevents the conſent of parents from being given before the legal age. It is this difficulty which even after that age is paſſed, ſtill witholds the conſent of parents, reſtrains the inclinations of the parties themſelves, and keeps ſo great a number of the lower claſſes unmarried to their thirtieth or fortieth years, perhaps for their whole lives.

Let it be conſidered (35) what regulations a colony of men ſettling in a ſmall iſland, juſt ſufficient to furniſh them ſubſiſtence, by the aid of high cultivation, would probably eſtabliſh in order to render the independant ſubſiſtence of each individual ſecure, and to prevent any one, or a few, from engroſſing the territory, or acquiring a greater ſhare than might be conſiſtent with the public good? Juſt ſuch regulations reſpecting property in land, it would be the intereſt of every ſtate to eſtabliſh at any period of its hiſtory. The ſuppoſed ſtate of this colony, whoſe land aided by the higheſt cultivation, is but juſt ſufficient to maintain its people, is that to which every nation ought to aſpire, as to its moſt perfect ſtate; and to that ſtate the progreſs of

phyſical

phyſical cauſes will bring it forward, if no political obſtructions are interpoſed.

It has been required (39) of the magiſtrate, that he ſhould with the ſame aſſiduity apply rewards to virtue, as puniſhments to vice. The part which he has to act in reſpect of theſe caſes is very different. The natural ſentiments of men, are ſufficient to repreſs ſmaller vices, and to encourage and reward great and ſtriking virtues: but they are not vigorous enough to apply adequate puniſhment to great crimes, nor ſteady and uniform enough to ſecure due reward and regular encouragement to the common and ordinary virtues of human life. It is to great crimes, therefore, that the magiſtrate muſt apply ſit puniſhment, and protection he muſt give to the ordinary virtues. Of theſe there is none which will ſtand more in need of his protection, or may be more effectually reached by his care, than induſtry. The cultivation of the ſoil is by far the moſt extenſive, and moſt important branch of national induſtry, and in all reſpects moſt worthy of the magiſtrate's peculiar attention.

Every man, (39) and every order of men have their peculiar commodity, which they bring to market for the ſervice of the community, and for procuring the means of their own ſubſiſtence. It would be injuſtice and oppreſſion, therefore, in any

one

one order to impoſe reſtrictions on any other, reſpecting the price they may demand for their peculiar commodity. This injuſtice, however, certain higher orders have attempted, tho' generally without ſucceſs, to put in practice, on various occaſions, againſt their inferiors; againſt hired ſervants, day labourers, journeymen, and artiſts of various kinds, by preſcribing limits to the wages they are allowed to aſk, or to receive.

Theſe lower claſſes of citizens have only the labour of their hands for their commodity, and if any is more than another entitled to the privileges of a free and equal market, it is ſurely that which may be accounted more immediately, the gift of nature to each.

The community has a right, no doubt, to reſtrain individuals, from doing ought that may be pernicious, or offenſive: what right it can have to compel them to exert their induſtry for the public ſervice, at a regulated price, may admit of queſtion, excepting only thoſe caſes in which the ſafety of the ſtate is brought into immediate and evident danger. This will not be alledged when journeymen taylors, or even farm ſervants refuſe to work without an increaſe of wages.

In the progreſs of (45) the European ſyſtem of landed property, three ſtages may be diſtinguiſhed,

tinguiſhed,—the domeſtic,—the feudal,—and the commercial. In the firſt, the condition of the cultivator was ſecured from any great oppreſſion, by the affectionate ſympathy of the chief of his clan.

In the ſecond it was ſtill ſecured, and almoſt as effectually ſecured, by that need which his lord had of attachment, aſſiſtance and ſupport in the frequent military enterprizes, and dangers in which he was engaged.

But in the commercial ſtate, there is no natural check, which may eſtabliſh the ſecurity of the cultivator; and his lord has hardly any obvious intereſt, but to ſqueeze his induſtry as much as he can. It remains therefore for the legiſlatures of different countries to eſtabliſh ſome controul for protecting the eſſential intereſts of their common people. It is an object which deſerves and will reward their care. In the dark and diſorderly ages, the oppreſſion exerciſed over the cultivators, could not be reduced to a ſyſtem. Their landlords depended on their aſſiſtance, and military ſervices, and would not, therefore, hazard the diminution of their attachment. If at any time the landlord endeavoured to exact more than they were inclined to give, means of concealment, and evaſion, were not wanting, by which his rapacity might be effectually eluded. But in the preſent times, there is no reciprocal

procal dependance, and all means of concealment and evaſion, are rendered by the order of our laws, uncertain, or indeed vain.

In thoſe diſorderly times, whatever oppreſſion or chance of oppreſſion, the cultivators of the field were expoſed to, they ſaw their landlords expoſed to others, perhaps greater and more frequent; there were common to both, an uncertainty in the poſſeſſion of their juſt rights, and to compenſate this, a chance of obtaining by addreſs ſomewhat beyond theſe rights. In the preſent times theſe common chances are removed, by the protection of eſtabliſhed government. The rights of the higher orders are rendered perfectly ſecure, while thoſe of the cultivators are laid open to their oppreſſions.

It ſeems to have been (57) unfortunate for the Romans, that in the age of the Gracchi, the practice of granting leaſes for any conſiderable term of years was not familiar, and the alienation of land under a reſerved rent, wholly unknown. Had Tiberius Gracchus propoſed to the Patricians, either of theſe plans for accommodating the poor citizens with lands, a compromiſe might probably have taken place, to the great advantage of both. He would not have encountered ſuch determined oppoſition at firſt, nor would he have been forced into the violent meaſures he afterwards adopted.

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In the hiſtory of this illuſtrious citizen of Rome, thoſe men who may hereafter undertake the patronage of general rights, and of the lower claſſes of mankind, may find an inſtructive example, how neceſſary it is to adhere to moderation, even in the nobleſt purſuits; and not to ſuffer the inſolent and unreaſonable obſtinacy of opponents, to provoke any paſſionate retaliation. Had Gracchus perſevered in maintaining his firſt temperate and liberal propoſal,—had he not impetuouſly, it cannot be ſaid unjuſtly, hurried into the extreme oppoſite to that which his antagoniſts held, it cannot be doubted, that his great endeavours might have proved fortunate for himſelf and his country.

If the original value of the ſoil (14) be the joint property of the community, no ſcheme of taxation can be ſo equitable as a land tax, by which alone the expences of the ſtate ought to be ſupported, until the whole amount of that original value be exhauſted; for the perſons who have retained no portion of that public ſtock, but have ſuffered their ſhares to be depoſited in the hands of the landholders, may be allowed to complain, if before that fund is entirely applied to the public uſe, they are ſubjected to taxes, impoſed on any other kind of property, or any articles of conſumption.

How prepoſterous then is the ſyſtem of that country which maintains a civil and military eſtabliſhment,

ment, by taxes of large amount, without the aſſiſtance of any land-tax at all?—In that example may be perceived the true ſpirit of legiſlation, as exerciſed by landholders alone.

Without regard to the original value of the ſoil, the groſs amount of property in land is the fitteſt ſubject of taxation; and could it be made to ſupport the whole expence of the public, great advantages would ariſe to all orders of men. What then, it may be ſaid, would not in that caſe, the proprietors of ſtock in trade, in manufacture, and arts, eſcape taxation, that is, the proprietors of one half the national income? They would indeed be ſo exempted; and very juſtly, and very profitably for the ſtate; for it accords with the beſt intereſts of the community, thro' ſucceſſive generations, that active progreſſive induſtry ſhould be exempted, if poſſible, from every public burthen, and that the whole weight ſhould be laid on that quieſcent ſtock, which has been formerly accumulated, as the reward of an induſtry, which is now no longer exerted.

A juſt and exact valuation of landed property, is the neceſſary baſis of an equal land-tax, and the tenant in mortgage ought to ſuſtain a proportional ſhare of the burthen, in the actual landholder's ſtead.

To keep a land-tax equal, the valuation ought to be renewed from age to age.

If that valuation returns periodically after long intervals, of half a century or more, inſtead of repreſſing the progreſs of improvement in agriculture, it will tend to excite the utmoſt diligence in that purſuit.

If in any country there is reaſon to apprehend that the incumbered ſtate of the finances will conſtrain the rulers of the ſtate, in a ſhort time, to have recourſe to this great fund, the expectation of a new valuation will damp the progreſs of agriculture; and the intelligent friends of the public good ought to deſire, that a ſcheme which cannot be avoided, ſhould take place without delay.

The inſtitutions of the Moſaical law (26) reſpecting property in land, have been but little attended to by the learned.

To that moſt reſpectable ſyſtem an appeal may be made in ſupport of theſe ſpeculations; for the aim of the Moſaical regulations plainly is, that every field ſhould be cultivated by its proprietor, and that every deſcendant of Jacob ſhould poſſeſs in full property a field which he might cultivate.

Whoever ſhall conſider the probable effect of ſuch an inſtitution in increaſing the number of people, will ceaſe to wonder at the uncommmon populouſneſs of Judea in antient times. The ſame effect might be renewed in that country, could

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theſe Agrarian regulations be reſtored to their force. The ſame effect might be exhibited in almoſt any diſtrict of Europe in which they could be eſtabliſhed for any length of time.

While ſovereigns, judges, and clergymen, have made continual reference to the Moſaical law, as to a ſtandard, by which their regulations and their claims were juſtified and enforced, it may ſeem ſtrange, and worthy of regret, that the common people have never had recourſe to the ſame ſtandard, and claimed the advantages of an Agrarian inſtitution, ſo favourable to the independance of agriculture, the increaſe of population, and the comfortable ſtate of the lower claſſes of men.

Occaſion will be found of treating more at length of the Moſaical Agrarian, conſidered as an œconomical regulation, in a hiſtory of property in land, which may hereafter be offered to the public.

Sumptuary laws (40) have been frequently turned into ridicule, and not unjuſtly, as pretending to maintain an impracticable ſimplicity, and an unneceſſary auſterity of manners, among the great body of citizens: but they deſerve a very different eſtimation, if conſidered as means of directing the public induſtry to thoſe exertions which may be productive of the moſt extenſive utility, and moſt valuable enjoyments to the community at large.

If thoſe perſons who ſpend their days in the manufactures of velvet, and of lace, could be induced to employ the ſame induſtry in raiſing grain, potatoes, and flax, would they not by increaſing the plenty of theſe neceſſary commodities, augment the real accommodation of a very numerous claſs of citizens? and would not the happineſs thence ariſing, more than compenſate the ſcarcity of thoſe frivolous refinements which may be required for the gratification of a few?

Why ſhould it be neceſſary not to reſtrain the induſtry, which miniſters to luxury, but becauſe the induſtry which is productive of eſſential plenty, is reſtrained? If the cultivation of the fields was laid open on reaſonable terms, would not the impoſition of taxes on arts and manufactures, ſubſervient to luxury, tend to encourage the increaſe of uſeful commodities, fit for general conſumption?

An abſolute monarch (52) might combine together the increaſe of his revenue, and the encouragement of ſmall farms in the ſame regulation, by impoſing a heavy tax on all future increaſe of rent, excepting in thoſe farms which did not exceed the extent of one plough, and were granted in leaſe for a term not leſs than fifty years. Such an edict muſt operate beneficially, either by bringing money into the treaſury of the ſtate, or by increaſing the number of citizens in the moſt uſeful claſs.

What

What is the ſhorteſt term of a leaſe (54) which ought to be given by the landlord, or accepted by the cultivator? In Ireland, that may be exactly determined by the ſtatutes, to be not leſs than thirty-one years. For if any great landholder, reſolves not to give leaſes of more than twenty-one years, he determines to treat his proteſtant tennantry, more unkindly, and more unreaſonably, than the legiſlature actuated by the moſt violent ſpirit of perſecution, thought it proper or decent, that the Roman Catholics ſhould be treated.

Any tax impoſed on extenſive farms, (52) might from its novelty be regarded as a grievance; but the ſervants tax which is ſo juſtly popular, might be applied to the ſame purpoſe, if extended to hired ſervants employed in agriculture, when more than one are kept in the ſame family; and to riſe to ſtill higher rates in proportion to the numbers kept.

The popular voice has demanded a heavy tax on the foreign domeſticks, that are ſo frequently to be ſeen in the families of the rich: but the ſuggeſtion ought not to meet with attention. Theſe foreigners are generally employed in frivolous offices in the train of opulence and luxury, and were they proſcribed by the impoſition of any heavy tax, an equal number of robuſt Engliſhmen would be called away from their ruſtic labours, and other neceſſary employments, allured by higher wages, to perform

more awkwardly the ſame ſervile taſks, and to lead the ſame diſſipated lives. The profitable induſtry of the nation would be diminiſhed in proportion.

In any juſt ſyſtem of regulations (26) relative to property in land, the chief difficulty muſt be to reconcile the intereſts of an improving agriculture, with the natural rights of every individual, to a certain ſhare of the ſoil of his country: but in the preſent ſtate of municipal law in Europe, the intereſt of improving agriculture is ſacrificed, and yet the right of the people to a common poſſeſſion, or to equal ſhares on partition, is not provided for. Both are given up, in favour of the lordly rights of one pre-eminent order of men.

To a wiſe and benevolent legiſlature (41) it can never appear that the free courſe of emigration could prove detrimental to the community, over which that legiſlature preſides. For what are the effects of a free and a briſk emigration? It operates in two ways, on two different claſſes of men. It betters the circumſtances of all thoſe who derive their ſubſiſtence from the produce of their labour. It impairs the circumſtances of all thoſe who are ſupported by a tax or impoſt, collected from the labour of other people. It betters, therefore, the circumſtances of nine millions eight hundred thouſand out of ten millions of people, it impairs the circumſtances of one hundred thouſand; and to a

hundred

hundred thouſand perſons, who live partly on the produce of their own labour, and partly on a tax collected from others, the effect is indifferent.

Emigration is part of the plan purſued by nature, in peopling the earth: and laws directed to oppoſe or reſtrain it, may be ſuſpected of the ſame abſurd and unnatural tendency, as laws for reſtraining population itſelf.

England virtually acknowledges (40) by the ſyſtem of her poor laws, that right of common occupation of the territory of the ſtate which belongs to every individual citizen, and has only varied, perhaps miſtaken, the natural means of rendering that right effectual.

It has been common of late to complain of, and to traduce this the moſt generous, and the moſt reſpectable eſtabliſhment, of which the juriſprudence of nations can boaſt. It is the monopoly of landholders, that renders ſuch an eſtabliſhment neceſſary; it is their diſcontent that aggravates the complaints againſt it. All men who can regard the intereſts of the poor, and of the landholders, with an impartial eye, will perceive that it is not leſs juſt, than generous; and will find reaſon to think, that it has proved highly beneficial to England, in reſpect of the ſpirit of her people.

The abuſes which may have crept into this reſpectable ſyſtem of laws, ought not to be alledged againſt

againſt its utility, for even in the moſt perverted ſtate of the inſtitution, the abuſes are fully compenſated, by equivalent advantages; and that they are not in a great meaſure rectified and removed, is the fault of thoſe only, whoſe intereſt and whoſe duty require them to attend to this care.

Even while they ſubſiſt, the chief abuſes of the poor laws, tend more to the advantage of the poor than of the rich; and of all permanent inſtitutions, there is no other, perhaps, of which this can be affirmed.

No regulation could tend more effectually to promote a reduction of poor rates, than the eſtabliſhment of certain branches of a progreſſive Agrarian law; and it might deſerve conſideration, whether other methods of reducing theſe rates, which are attempted, and which may be ſuppoſed by the poor themſelves, to bear hard on the freedom of their condition, ought not to be accompanied with ſome eſtabliſhment of that nature; which whilſt it might contribute effectually to alleviate the burthen of the rates, would tend at the ſame time, to convert this claſs of men into a new ſource of national wealth, and of encreaſing force.

The great amount of the poor rates is juſtly imputed to this, that whilſt young and healthy, the lower claſſes of labourers and ſervants do not ſave their wages as they might, for the aſſiſtance of their old age. The reaſon why they do not ſave for that

purpoſe,

purpoſe, is ſuppoſed to be the aſſurance they have of being maintained by the pariſh, when they come to ſtand in need of it. Another reaſon might be given: they do not ſave, becauſe they ſee no probable view of obtaining by ſuch ſaving, a comfortable ſettlement, in which they may ſpend their old age with their families around them. "I never "yet knew, ſays a writer *, who has obſerved them "well, one inſtance of any poor man's working "diligently, while in health, to eſcape coming to "the pariſh when ill or old. Some will aim at "taking little farms—but if by any means they are "diſappointed in their endeavours, they conſider the "money they have already ſaved, as of no further "value, and ſpend it long before they really need "it;" almoſt all of them, it may be believed, would aim at taking ſmall farms, were the opportunities frequent, and the terms eaſy.

That much of the diſſipation and profligacy of the poor ariſes from their not having a proper object of ſaving, offered to their hopes, was ſurely the opinion of thoſe who framed an excellent bill which in 1773 paſſed through the Houſe of Commons, for inviting the poor to ſet apart money, for the purchaſe of annuities, in their reſpective pariſhes, and townſhips.

An annuity may be a very proper object for the unmarried, and thoſe who purpoſe to have none

* Farmer's Letters, p. 294.

but

but themſelves to care for; but the natural object of every young peaſant, is a ſmall farm on which he may ſettle with the companion of his affections, and raiſe a family of his own; for this object, if it appears attainable, far the greater number of them will work hard, and ſave with oeconomy.

Perhaps no better reaſon can be given for the great increaſe of poor rates in England, ſince the reign of Charles II. while in Wales, they remain almoſt the ſame, but the increaſe of manufactures and the diminiſhed number of ſmall farms.

The accumulation of a national debt (62) muſt be acknowleged to be a great evil; yet is it poſſible that the nature of that evil may be in ſome degree miſtaken, and its diſtant terrors exaggerated.

The compariſon which offers itſelf at firſt, between the incumbrances of a nation, and thoſe of an individual's fortune, is juſt only in a few particulars. Money borrowed by a nation, is chiefly furniſhed by its own ſubjects, into whoſe hands it is chiefly paid back for ſervices performed; and the ſtock of the community, compared with that of its neighbours, is leſſened only by the amount of what is borrowed from ſubjects of a foreign ſtate.

Taxes impoſed for defraying the intereſt of a large debt, muſt in ſome degree endanger the ſuppreſſion of manufactures, and the loſs of foreign com-

commerce. This is perhaps the only evil, which may not be ſeparated from this accumulation of national debt; nor ought this to be accounted very formidable by a nation abounding with men, and poſſeſſing wide tracts of waſte, or half cultivated land, in the improvement of which, the induſtry of theſe men may be employed. In ſuch a ſituation, a nation well informed of its true intereſts might deſpiſe the loſs.

But if it is the eſtabliſhed opinion of any people, that the publick proſperity depends on the flouriſhing ſtate of their commerce with other nations, that people ought, in conſiſtency, to avoid the occaſions of contracting debt.

If a nation already incumbered with a great load of debt, forſees rather the neceſſity of augmenting, than any poſſibility of diminiſhing the load, that nation ought, beforehand, gradually to prepare thoſe reſources by which the public opulence, and the induſtry of the ſubjects may be ſuſtained, when foreign commerce ſhall have failed.

Whatever national advantages are aimed at by efforts requiring the accumulation of public debt; whatever evils are to be guarded againſt, as proceeding from ſuch accumulation, a minute partition of property in land muſt be favourable to the meaſures of the legiſlature in either purſuit.

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The outlines (69) of a voluntary ſubſcription ſcheme for promoting the independance of agriculture, and ſecuring the advantage to the ſubſcribers families, might be delineated in this manner.

An hundred ſubſcribers, at 100l. each, form a capital to be laid out in the purchaſe of lands; theſe lands, as the leaſes expire, to be divided into allotments of a ſingle plough each. All deſcendants of ſubſcribers, males or married females, to be entitled, if they require it, to an allotment, at a rent fixed by a jury, and on condition of reſidence and actual cultivation.

The produce of theſe rents to accumulate, and to be expended from time to time in purchaſing lands to be divided in like manner.

Precedence of claims among deſcendants of equal propinquity to the ſubſcribers, to be determined by lots.

All allotments after 50 years poſſeſſion, to be ſubject to claims of ſmaller allotments of ſix acres each, if any candidates diſappointed of the large allotments chuſe to ſettle on ſo ſmall a patrimony. A jury muſt in that caſe determine what rent is to be paid to the fund, and what to the firſt occupier of the allotments.

The uſual ſubſcription ſocieties are formed to provide for widows or children, an annual payment during life, or a ſum of money to aſſiſt in beginning

ning the world. The object of this one would be, to provide for a long and increasing race of descendants, an inheritance, if they stood in need of it, and that of the most valuable kind, being a fund on which the most salutary industry may be comfortably exercised.

To all unbiassed reasoners (71) it will probably appear, that no right whatever can be better founded, than that which every man willing to employ himself in agriculture, has to claim a certain portion of the district in which he happens to be born, he becoming bound to make just compensation to those by whose labour that spot of ground has been fertilized.

It belongs to the community to establish rules, by which this general right may become definite, and to prescribe a method by which the distribution may be made, and the compensation ascertained.

The rules adopted for this purpose may be more or less prudent and equitable, and more or less favourable to the poor or to the rich, without any heavy imputation on the spirit of the laws: but not to recognize such a right at all, not to have established any rules by which its claims may be ascertained and complied with, ought to be accounted essentially unjust.

Means may certainly be discovered, by which this general right of the community, in the property

perty of the ſoil may be ſo clearly and practically aſcertained, that the private landholder ſhall have no occaſion to be afraid of ſuffering injury, or material inconvenience, when any ſhare of that public right is claimed.

The plan of a progreſſive Agrarian law is an attempt towards the diſcovery of ſuch means: but the problem is difficult, and the imperfections of a firſt attempt may deſerve to be excuſed.

Almoſt all of Agrarian laws (72) have proceeded on the plan of reſtricting that extent of landed property, which an individual may acquire, and not the nature and the force of that right with which, the landholder is inveſted. Thus endeavouring to eſtabliſh an equality of fortune, they have been found impracticable, and could they have been carried into execution, they muſt have proved detrimental to the progreſs of induſtry and of commerce.

The illuſtrious ſituation (46) of a monarch, placed at the head of victorious armies, might well inſpire with generous ſentiments, any mind not ignobly formed, and waken a magnanimous deſire of promoting the general welfare of mankind. In this manner it has operated, even on the breaſts of men, numbered with barbarians, whoſe names and characters can with difficulty be reſcued from the obſcurity of Gothick annals (ſee Hiſtory of the Decline

cline and Fall of the Roman Empire, vol. 3. p. 250.) To ſave from oblivion ſuch authentic examples of true heroiſm, is one of the moſt pleaſing taſks which a hiſtorian can have to perform: to record them for the inſtruction of the great and powerful, in the pages of a work which may be long and often revolved, is one of the moſt eſſential ſervices that can be rendered to mankind.

The more unlimited that power is (74) with which any monarch is inveſted, the more it ſeems incumbent on him to attend with peculiar care, to the protection of the common people. Other ranks have their privileges, their wealth, and acquiſitions of various kinds, to protect and ſupport them; but the common people have none of theſe, and not having repreſentatives in any legiſlative council, as under limited monarchs, the ſovereign himſelf is in fact their repreſentative, and cannot but perceive that he ought to be in a more particular manner, the guardian of this helpleſs claſs of men.

Perhaps even the oppreſſion of the taille, if it muſt not be removed, might in ſome degree be alleviated, by communicating to the cultivators a more permanent right in the ſoil which they cultivate.

The condition of *Metayers*, who pay a certain proportion, generally one half of the produce of their farm, might receive a very great improvement, attended with great increaſe of profit to the landlords them-

themſelves, if that payment was to be regulated by valuations of the produce made at conſiderable intervals.

It is not probable that the narrow views of the landholders will permit them to embrace ſuch a general plan. Could the ſovereign authority be employed to compel them, it would be a very glorious and beneficial exertion of abſolute power.

It may be received as a general maxim of very important application; that if any rent, tax, taille, or tithe, is to be levied from the produce of cultivation, and to bear proportion to the increaſe of that produce, the intereſt of the cultivators, and of the perſons having right to the tax, will be moſt effectually combined, not by an annual variation of its amount, nor by a rate fixed for ever, but by a periodical valuation, returning after fixed and conſiderable intervals.

Unlimited monarchs themſelves, in reſuming and regulating the improvident grants which their anceſtors have made of crown-lands, foreſts, and domains, find it requiſite to uſe much tenderneſs, and to take many precautions for avoiding odium, when theſe reſumptions are to be made for the advantage of the treaſury alone (See Compte rendu au Roi, par M. Necker). But if the leading object of ſuch reſumptions was underſtood to be a deſire of accommodating the induſtrious poor of the neighbouring diſtricts with ſmall independent ſettlements, in full property,

property, ſuch a benevolent meaſure, while it might be made to promote the increaſe of the revenue very much, could not fail to meet with the national applauſe.

Even in Great Britain, (75) although the whole legiſlative power reſts in the hands of the land-holders, it is not too ſanguine to hope, that time, and favourable occaſions, and general views of public good, which, in this fortunate country, have ſometimes triumphed in part over the ſtrongeſt partial intereſts, may give riſe to ſome innovations, favourable to the independant ſettlements of the labouring poor.

At the concluſion of this or ſome future war, may not the indulgence granted to diſbanded ſoldiers be extended ſo far, as to enable them to make ſmall ſettlements after the manner of the progreſſive Agrarian law, in the uncultivated lands of their reſpective pariſhes or counties.

May not the preſent method of dividing and incloſing commons, which, though favourable to cultivation, is known to curtail very much the independent rights, and comfortable circumſtances of the lower orders of the poor, be exchanged for ſome plan more allied in its aim to the proviſions of a progreſſive Agrarian.

If the preſent ſyſtem of diviſion is ſtill retained, might not the common ſo incloſed, be made liable

to

to options ſimilar to thoſe of a progreſſive Agrarian law, to commence after it has been fully improved, or fifty years after the diviſion?

Might not perſons, poſſeſſing land in right of the church, be enabled, under proper limitations, to grant leaſes of very conſiderable duration, on farms of a certain ſmall extent? Might not ſome plan be deviſed by which the intereſt of the church, of the preſent incumbents, and of the induſtrious poor, might be conſulted at the ſame time?

If ever England or Ireland ſhould ſet to the other nations of Europe, an example of the higheſt prudence and advantage, by eſtabliſhing a periodical valuation of tithes, it may be hoped, that ſome proviſions allied to thoſe of the progreſſive Agrarian, may be made to enter into that plan, for the ſake of increaſing the amount of that groſs produce, whoſe value is to be periodically aſcertained.

If ever any plan ſhall be carried into execution for a ſale of crown lands and forreſts, it may be hoped that ſo favourable an occaſion of conſulting the independance of agriculture, by providing for the labouring poor, opportunities of permanent ſettlements in ſmall farms, will not be neglected; and that even the conſideration of a little more increaſe of the revenue which might ariſe from purſuing other meaſures, will not be put into compariſon with it.

Ought

Ought not every eſtate which deſcends to heirs in tail to become ſubject *ipſo facto* to ſome branches of a progreſſive Agrarian?

Might not the heir of ſuch an eſtate be enabled to make void the entail over one third or fourth part of the eſtate, and to alienate it at pleaſure, provided it is broken down into ſmall farms of a ſingle plough each, on leaſes of 300 years, or made ſubject to the option of a progreſſive Agrarian law, before this alienation takes place?

Numberleſs are the variations (71) which might be deviſed for accommodating the principles of a progreſſive Agrarian, to the ſuppoſed rights and legal poſſeſſions of the body of landholders.

Suppoſe it enacted in any country, that a progreſſive Agrarian ſhall take place, in reſpect of barren ground at all times, but in reſpect of cultivated lands, only when the leaſes expire, excepting thoſe farms which exceed an hundred acres in extent. Thus the landholders would have an option given them: if they did not chooſe to ſubmit to the operation of the Agrarian, they might avoid it, by adopting leaſes of long duration, and farms of ſmall extent.

In manufactures and commerce (74) nations may be led to think that their intereſt requires them to rival and obſtruct one another; with reſpect to the pro-

greſs of agriculture, it is hardly poſſible that they can fall into ſuch a miſtake.

It is manifeſtly the intereſt of every nation, whoſe lands are not cultivated to the higheſt degree, or being incumbered by antient rights, cannot be brought into that ſtate, which is moſt favourable to the higheſt cultivation, to wiſh for, and to promote the eſtabliſhment of independant agriculture among its neighbours; for the cultivation of that country having become ſtationary, it muſt owe any increaſe of proſperity and population to manufactures, and foreign commerce; and the more that other nations are occupied in cultivating their ſoil, the greater quantities of manufactured commodities will they ſtand in need of, and the leſs will they be able to furniſh to themſelves; the more therefore will they contribute to the proſperity of manufacturing nations near them.

To Britain conſidered as a manufacturing and commercial nation, it might prove highly advantageous, that regulations of the nature of a propreſſive Agrarian, were eſtabliſhed throughout the continent of North America.

Britain (74) has derived conſiderable advantage from Bengal, Bahar, and Oriſſa, as ſtates, and propoſes to continue to reap the ſame, if not greater.

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The advantages and profits arising from trade, are earned by the exertions which that trade requires; they are due to the persons, by whom it is carried on, and into whose pockets they immediately enter; and they may be supposed in some measure, reciprocal to both countries: but what right can Britain as a state, have to increase her own revenue by large sums, deducted from a revenue raised on the subjects of Bengal? How does it become her justice, or her magnanimity, to receive such a tribute, unless repaid by the communication of well ordered laws, and a reformed police?

To transfer the whole code of English laws, to Bengal, is an attempt not much less absurd than to transfer the laws of Bengal to England; though probably some particular institutions of each country might be beneficially transferred to, or copied by the other.

But the administration of the English laws, and that happy plan according to which justice is dispensed in this country, by the intervention of a jury, in all cases of any importance, and the privilege of a speedy trial, if the prisoner desires it, may no doubt be adapted to any system of laws that has been established in any country: it would render the best still more beneficial, and the worst not intolerable to the people living under them.

The diſtreſſes of Ireland, (74) whatever they may have been, muſt be allowed by impartial obſervers to have ariſen far more from the abuſes of landed property, than from the reſtrictions of commerce, and to have been aggravated by the want of an eſtabliſhment for the maintenance of the poor, ſimilar to that which does ſo much honour to England, and in conſequence of which the domeſtic peace of that country is ſo eaſily preſerved, without curbing the bold and manly ſpirit of the common people.

This eſtabliſhment the legiſlature of Ireland will probably ſoon have occaſion to take under conſideration; and ſome benevolent men ſeem already to have turned their thoughts on that object.

It will not become them to be deterred by the errors and embarraſſments into which England has fallen, from attempting a ſcheme, which juſtice, humanity, and the tranquillity of their country ſeem equally to require. It ought rather to animate their generous endeavours, that Ireland may hope to be the firſt nation, that ſhall exhibit, this moſt humane and liberal of all municipal inſtitutions in a ſtate of improvement, which may render it equally beneficial to the rich and to the poor.

It muſt be much more difficult for England to reform the abuſes of her antient eſtabliſhment, than it ought to be for Ireland, profiting by the example of

of her errors, to eſtabliſh at once a new ſyſtem of more uniformly beneficial effects.

The vexation of ſettlement diſputes might be avoided, by throwing the ſupernumerary poor of a pariſh on ſome county fund, and the ſupernumerary poor of a county, on the general funds of the nation.

The encouragement of idleneſs might be prevented by giving the clergyman of each pariſh a negative on the diſpoſal of the poor's money; by the interpoſition of which, he might prevent its being given to the undeſerving, or too liberally to any. Nor ought it to be ſuſpected that the miniſters of religion would abuſe this ſort of power.

After all, to lay open the uncultivated lands of the ſtate to claims made by the induſtrious poor for the ſake of cultivation, will be found the moſt ſolid foundation of any new eſtabliſhment for the maintenance of the poor, and the moſt effectual expedient for rectifying the abuſes of an old ſyſtem, or moderating the demands for its ſupport.

The practice of letting eſtates (74) to intermediate tenants or middle men, is one of thoſe grievances under which the induſtry of the Iriſh poor has laboured. That practice will gradually be laid aſide; but the change it may be apprehended will not

not prove equally beneficial to the cultivators, and to the landlords, as in all reaſon it ought to be.

Such is the influence of habitual modes of thinking, that thoſe who exclaim moſt againſt the exorbitant profit of the middleman ſeem not to perceive, that it is unjuſt, becauſe it has been ſqueezed from the humble induſtry of the cultivator, without any equivalent given for it; but think that it is ſo, becauſe it is kept from being paid into the cheſts of rich and indolent landlords, whoſe title is not better founded than that of the other.

Suppoſe, that an eſtate farmed by a middleman who draws from it a profit equal to the rent he pays, had been kept in the landholder's own management, and the rent raiſed to the ſame degree, as by the middleman, wherein would there have been any difference in reſpect of the tenants and cultivators? would they have ſuffered leſs injuſtice if deprived of this great ſhare of the produce, and juſt reward of their induſtry by the landlord, than if deprived of it by the middleman? what right can the landlord have acquired by purchaſe, which he cannot transfer to the middleman during his leaſe?

The middleman is deſcribed to be one, whoſe buſineſs and whoſe induſtry, conſiſts in hiring great tracts of land, as cheap as he can, and reletting them to others, as dear as he can. May not the landholder and his anceſtors be deſcribed, as a race of men whoſe buſineſs and whoſe induſtry has for

ſucceſſive

ſucceſſive generations conſiſted in buying up large tracts of land as cheap as they can, and letting them to others as dear as they can?

It muſt be difficult to ſay what right the one ſet of men, more than the other can have to appropriate any ſhare of the produce of additional induſtry, employed by the cultivator, in improving the ſoil: the injuſtice and abſurdity of the landlords claim to improveable value, may appear in the ſtrongeſt light, when conſidered in this delegated form.

Were the ſovereign of Ireland an abſolute monarch, and did he interpoſe when the middleman's leaſe becomes vacant, to prevent the landlord from exacting more rent than he formerly received; would not that award be made in conformity to natural juſtice, and the beſt principles of that public oeconomy, according to which the rewards of induſtry ought to be diſtributed?

The wiſeſt and moſt beneficial ſchemes, (75) are in ſome men's opinions effectually turned into ridicule, when it is ſhown, or even aſſerted, that they cannot be carried into execution. The conſideration of ſuch plans, may however, put to ſhame the abuſes of thoſe which are eſtabliſhed, by ſhowing how widely they differ from what is beneficial or wiſe. If the exhibition of ſuch a contraſt, cannot remove pernicious abuſes, it may in ſome degree reſtrain the rapidity of their increaſe.

Various objects have engaged the enthuſiaſm, and excited the efforts of mankind in ſucceſſive ages: ſchemes of conqueſt and ſettlement in one age; plans of civil and religious liberty in another; manufactures and commerce have now their turn; and perhaps in ſome not very diſtant age, the independance of cultivation, eſtabliſhed on a juſt regulation of property in land, may become the favourite purſuit of nations, and the chief object of public ſpirited endeavours. The preſent tendency of men's opinions, and enquiries, promoted by the actual ſtate of the moſt enlightened nations, ſeems to lead towards it.

" Sic poſcere fata,
" Et reor, et ſi quid veri mens augurat, opto."

FINIS.